MIAMIBEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive February 12, 2014

Mayor Philip Levine
Vice-Mayor Deede Weithorn
Commissioner Michael Grieco
Commissioner Joy Malakoff
Commissioner Micky Steinberg
Commissioner Edward L. Tobin
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales City Attorney Jose Smith City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 8:33 a.m.

Inspirational Message given by Pastor Victor Palacios from the Baptist Church, Iglesia Bautista Poder de Dios.

Commissioner Malakoff asked for a minute of silence for Father James P. Murphy, who died on February 8, 2014.

Pledge of Allegiance led by Virgil Fernandez.

Requests for Additions, Withdrawals and Deferrals.

The City Commission will recess for lunch at approximately 12:00 p.m.

ADDENDUM MATERIAL 1:

ADDENDUM MATERIAL 2:

C4H C4I R9S C4J

SUPPLEMENTAL MATERIAL 1:

C2J Attachment A: RFQ 2014-142ME

C7P Resolution'

C7Q Resolution

C7R Memorandum & Resolution C7S Memorandum & Resolution R5M Memorandum & Resolution

R7A Revised Memorandum & Resolution

ADDENDUM ITEMS:

9:03:07 a.m.

Motion made by Vice-Mayor Weithorn; seconded by Commissioner Grieco to add to the Commission Agenda Items C4H, C4I and C4J; Voice-vote: 7-0.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Weithorn to approve the Consent Agenda, excluding C4I; seconded by Commissioner Malakoff; Voice-vote: 7-0.

SEPARATED ITEMS:

Item C4I separated by Commissioner Tobin

ITEMS MOVED:

C2J moved to Regular Agenda as Item R2A

C7K moved to Regular Agenda as Item R7F

C7Q moved to Regular Agenda as Item R7G

C7R moved to Regular Agenda as Item R7H and

C7S moved to Regular Agenda as Item R7I

Handout or Reference Materials:

1. Email from Jimmy Morales dated February 9, 2014 RE: Agenda

9:10:09 a.m.

DISCLOSURE REQUIREMENTS (ITEM R9D):

Mayor Levine disclosed, for the record, regarding City Code Section 2-458 (b)(d) Item R9D, a business relationship for his campaign, which transacted more than \$10,000 of business in the preceding ten months with the vendor DRC Consultant, which is owned and operated by David Custin, a registered lobbyist representing a principle on item R9D. This is merely a disclosure requirement and poses no conflict from member participation or vote on this item. This complies with the City's public disclosure requirements without disruption or interference during the flow of Commission Meetings.

Commissioner Malakoff also disclosed the same business relationship from her campaign with the same consultant, DCR Consulting, Inc., which is owned and operated by David Custin, a registered

lobbyist.

Commissioner Grieco also disclosed the same business relationship from her campaign with the same consultant, DCR Consulting, Inc., which is owned and operated by David Custin, a registered lobbyist.

Handout or Reference Materials:

- Supplemental Abstention & Disclosure Requirement submitted by Mayor Levine.
- 2. Supplemental Abstention and Disclosure Requirement submitted by Commissioner Malakoff.
- 3. Supplemental Abstention and Disclosure Requirement submitted by Commissioner Grieco.

C2 - Competitive Bid Reports

C2A Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 269-2013ME, For Janitorial Services, Citywide.

(City Manager's Office/Procurement)

ACTION: Request authorized. City Manager's Office and Alex Denis to handle.

C2B Request For Approval To Issue A Request For Qualifications (RFQ) 2014-128-MF For Governmental Consulting Services.

(City Manager's Office/Procurement)

ACTION: Request authorized. City Manager's Office and Alex Denis to handle.

City Clerk's Note: Correction to Memorandum: Page 48-49; The Administration recommends that the Mayor and Commission authorize the issuance of the RFP 2014-015-LR for Psychological Services for Sworn and Civilian Employees. RFQ 2014-128-MF for Legislative Services.

<u>Attachments:</u> RFP 2014-015-LR for Psychological Services for Sworn and Civilian Employees. <u>RFQ 2014-028-MF for Legislative Services.</u>

Also, change all references in Memorandum and Item Summary from "Governmental Consulting Services" to "Legislative Services."

Handout or Reference Materials:

- 1. RFQ for Design Criteria Professional Services for the Miami Beach Convention Center Renovation RFQ 2014-142ME.
- C2C Request For Approval To Issue An Invitation To Negotiate (ITN) For An Online City Merchandise Store.

(Tourism, Culture & Economic Development/Procurement)

ACTION: Request authorized. Max Sklar, Maria Estevez and Alex Denis to handle.

C2D Request For Approval To Issue A Request For Qualifications (RFQ) No. 2014-116-SR For Traffic Engineering Consulting Services.

(Planning/Procurement)

ACTION: Request authorized. Thomas Mooney and Alex Denis to handle.

C2E Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.

(Procurement)

ACTION: Request authorized. **Alex Denis to handle.**

C2F Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2013-069 For The Citywide Maintenance Of Elevators.

(Public Works/Parking/Procurement)

ACTION: Item withdrawn.

C2G Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) No. 2014-079 For Plumbing Services.

(Public Works/Procurement)

ACTION: Request authorized. **Eric Carpenter and Alex Denis to handle.**

C2H Request For Approval To Award A Contract Pursuant To Invitation To Bid (ITB) 2014-080 For Electrical Services.

(Public Works/Procurement)

ACTION: Request authorized. **Eric Carpenter and Alex Denis to handle.**

C2I Request For Approval To Award Contracts Pursuant To Invitation To Bid (ITB) No. 2014-057 For The Purchase Of Bulk Concrete Mix.

(Public Works/Procurement)

ACTION: Request authorized. **Eric Carpenter and Alex Denis to handle.**

SUPPLEMENTAL MATERIAL 1: Attachment A: RFQ 2014-142ME MOVED TO THE REGULAR AGENDA AS ITEM R2A

C2J Request For Approval To Issue A Request For Qualifications (RFQ) For A Design Criteria Professional (DCP) To Prepare The Design Criteria Package For The Miami Beach Convention Center Renovation Project, Which Is Intended To Be A Design-Build Contract And Further Authorizing The City Manager To Negotiate And Execute Any Additional Contracts, As Required, In Order To Expedite The RFQ Process Including, But Not Limited To, An Amendment To The City's Existing Contract With Strategic Advisory Group; An Agreement With A Surveyor; And An Agreement For Constructability Review; Provided That The Manager Report Back To The City Commission, Via Letter To Commission, On Any And All Such Additional Contracts Entered Into Pursuant To This Directive.

(City Manager's Office/Procurement)
(Attachment A: RFQ 2014-142ME)

ACTION: Item C2J was moved to the Regular Agenda as Item R2A.

City Clerk's Note: See corrections; Page 164 Add the following language at the end of the existing language approving the issuance of the RFQ: "...And Further Authorizing The City Manager To Negotiate And Execute Any Additional Contracts, As Required, In Order To Expedite The RFQ Process Including, But Not Limited To, An Amendment To The City's Existing Contract With Strategic Advisory Group; An Agreement With A Surveyor; And An Agreement For Constructability Review; Provided That The Manager Report Back To The City Commission, Via Letter To Commission, On Any And All Such Additional Contracts Entered Into Pursuant To This Directive.

C4 - Commission Committee Assignments

C4A Referral To The Planning Board - An Ordinance Amending Section 142-1132 Of The City Code, Pertaining To Accessory Buildings In Single Family Districts.

(Sponsored by Commissioner Joy Malakoff)

ACTION: Referred. Thomas Mooney to place on the board agenda and to handle.

C4B Referral To The February 19, 2014 Land Use And Development Committee - Discussion Regarding: 1) Amendment To City Code Section 2-459, To Provide For Limited Exception Permitting "Associates" Of City Agency Members To Lobby As Architects/Design Professionals Before A City Land Use Board; And Related Process For Amending Code Section 2-459; And 2) Streamlining City's Design Application Process By Amendment Of City's Laws To Permit Variance Requests Arising Out Of Projects Before Design Review Board And/Or Historic Preservation Board Be Heard By Those Boards, Rather Than Necessitating Applicant To File A Separate Variance Application To Board Of Adjustment; And Related Process For Laws' Amendments.

(Requested by Commissioner Joy Malakoff)

ACTION: Referred. Thomas Mooney to place on the committee agenda and to handle.

C4C Referral To Neighborhood/Community Affairs Committee - Discussion Of Placing A Plaque At Flamingo Park Tennis Center In Memory Of Jerry Moss, The First National Tennis Champion From Miami Beach.

(Requested by Commissioner Joy Malakoff)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **John Rebar to handle.**

C4D Referral To The Planning Board - A Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land Development Regulations.

(Public Works)

ACTION: Referred. Thomas Mooney to place on the board agenda. **Eric Carpenter to handle.**

5:08:18 p.m.

C4E Referral To Planning Board And Land Use & Development Committee - Changing The Level In Which A Commercial Building Is Built From Grade To Base Flood Elevation.

(Requested by Commissioner Joy Malakoff)

ACTION: Referred. Motion made by Commissioner Malakoff; seconded by Mayor Levine; Voicevote: 6-0; Absent: Vice-Mayor Weithorn. **Thomas Mooney to place on the board and committee agendas and to handle.**

Commissioner Malakoff stated that this item was passed via Consent Agenda vote in the morning; however, she wanted to add something to it if the City Commission is in favor of it. This is with reference to changing the level to which the home is built from grade to base elevation, which they are already considering, and she suggests that this should apply to commercial buildings as well but it needs studying to know the unintended consequences. She requested referring to Planning and Land Use a pilot project to see how it would work in one small district; the CPA-1 district, to be built starting from the base flood elevation.

Thomas Mooney, Planning Department Director, stated that the CPA-1 district (located in the South Pointe area) is a very limited commercial district, and there was a proposal to measure maximum height from base flood elevation as oppose to grade, and he suggested to Commissioner Malakoff rather than doing this in all commercial district to do it in one and see if they want to do it on additional districts.

3:01:26 p.m.

C4F Referral To The Neighborhood/Community Affairs Committee - An Ordinance Amending Chapter 18 Of The City Code, Entitled "Businesses," To Provide Regulations And Standards For Nude Dance Establishments.

(Requested by Commissioner Edward L. Tobin) (Legislative Tracking: City Attorney's Office)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

Commissioner Wolfson suggested referring the item also to the Land Use and Development Committee.

Commissioner Malakoff explained that she did not feel it belonged at Land Use. Discussion held.

Commissioner Wolfson asked if the adult entertainment is in the land development regulations.

Gary Held, First Assistant City Attorney, stated that they were not to include those in the LDR but in a business chapter, as it speeds up the process; otherwise, they have to go in front of the Planning Board.

C4G Referral To The Land Use And Development Committee - Discussion On The Proposed Terminal Island Residential Project.

(City Manager's Office)

ACTION: Referred. Thomas Mooney to place on the committee agenda. **City Manager's Office to handle.**

Handout or Reference Materials:

- 1. Email from Ruth Remington to Frank Del Vecchio dated February 11, 2014 in reference to a "Mega development Planned for Terminal Island."
- 2. Email from Frank Del Vecchio to the Mayor and Commissioners dated February 11, 2014 in reference to "A Mega Development Planned for Terminal Island?"
- 3. Memo from Frank Del Vecchio to the Mayor and Commissioner dated February 11, 2014, subject: Request for Discussion of the Proposed Terminal island Development before referral to Committee.

ADDENDUM MATERIAL No. 1:

C4H Referral To The Neighborhood/Community Affairs Committee - Discussion On Regulation Of Mechanical Equipment Noise.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred. Barbara Hawayek to place on the committee agenda. **City Attorney's Office to handle.**

9:12:20 a.m.

ADDENDUM MATERIAL No. 1:

C4I Referral To The Planning Board <u>and the Land Use and Development Committee</u> - An Ordinance That Amends The City's LDRS To Permit Rooftop Additions Of More Than One-Story For Contributing Buildings In The Morris Lapidus Historic District, And To Permit Setback Encroachments For Approved Rooftop Additions.

(Requested by Commissioner Deede Weithorn)

ACTION: Referred to the Planning Board and the Land Use and Development Committee. Item

separated for discussion by Commissioner Tobin. Motion made by Commissioner Grieco; seconded by Vice-Mayor Weithorn; Voice vote: 6-1; Opposed: Commissioner Tobin. **Thomas Mooney to place on the board and committee agendas and to handle.**

Commissioner Tobin explained that he did not think the item was an emergency to add to the agenda and he will vote in opposition.

Vice-Mayor Weithorn explained that the item had been discussed for some time and she asked for a referral to move the item forward. She clarified that the referral is to the Planning Board and Land Use and Development Committee, and asked to correct the scrivener's error.

ADDENDUM MATERIAL 2:

C4J Referral To The Land Use And Development Committee To Discuss Amending Sec. 142-902 (2) To Allow Accessory Office Space Above The Ground Floor.

(Requested by Commissioner Jonah Wolfson)

ACTION: Referred. Thomas Mooney to place on the committee agenda and to handle.

C6 - Commission Committee Reports

C6A Report Of The Land Use And Development Committee Meeting On January 22, 2014: 1)
Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation
Department's Green Space Management Division. 2) Parking District No. 5 - Sunset Harbour. 3)
Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of
Unity Of Title. 4) a) Boat Docks And Marine Structures Ordinance. b) Discussion Regarding
Decks, Docks & Seawall Over City Land, And The Need To Issue A Revocable Permit. 5)
Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land
Development Regulations. 6) Discussion Regarding Proposed Amendment To Chapter 6,
Alcoholic Beverages, To Correct Scrivener's Errors Regarding On-Premises And Off-Premises
Consumption. 7) Discussion For Consideration Of Establishing Acceptable Accessory Uses
Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts
Neighborhood Overlay District. 8) Discussion Regarding A Comprehensive Ordinance
Amendment, Modifying The Single Family Development Regulations To Address The Issue Of
'Oversized' Homes.

ACTION:

Item No. 1: Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation Department's Green Space Management Division.

MOTION: Refer to Neighborhoods and Community Affairs Committee for input and discussion. Grieco/Malakoff (2-0)

Item No. 2: Parking District No. 5 - Sunset Harbour.

MOTION: Schedule a progress report before the LUDC in 6 months regarding the sunset provision in the Ordinance. Grieco/Malakoff (2-0)

Item No. 3: Discussion Regarding The Code Section Governing Unities Of Title And Covenants In Lieu Of Unity Of Title.

MOTION: Continue to February 19, 2014 LUDC. Grieco/Malakoff (2-0)

Item No. 4: a) Boat Docks And Marine Structures Ordinance

MOTION: Send an Ordinance to the Full Commission with recommendation for approval. Grieco/Malakoff (2-0)

Item No. 4: b) Discussion Regarding Decks, Docks & Seawall Over City Land, And The Need To Issue A Revocable Permit.

MOTION: Send an Ordinance to the Full Commission with recommendation for approval. Grieco/Malakoff (2-0)

Item No. 5: Discussion Regarding Incorporating The Stormwater Management Master Plan Into The Land Development Regulations.

MOTION: Recommend that the Commission refer an Ordinance to the Planning Board. Grieco/Malakoff (2-0)

Item No. 6: Discussion Regarding Proposed Amendment To Chapter 6, Alcoholic Beverages, To Correct Scrivener's Errors Regarding On-Premises And Off-Premises Consumption.

MOTION: Send Ordinance to the Full Commission with recommendation for approval. Grieco/Malakoff (2-0)

Item No. 7: Discussion For Consideration Of Establishing Acceptable Accessory Uses Permitting Restaurants In Contributing Historic Structures Within The RM-2 Cultural Arts Neighborhood Overlay District.

MOTION: Continue the item to the February 19, 2014. Grieco/Malakoff (2-0)

Item No. 8: Discussion Regarding A Comprehensive Ordinance Amendment, Modifying The Single Family Development Regulations To Address The Issue Of 'Oversized' Homes. MOTION: Send an Ordinance to the Full Commission for the 2nd Reading with recommendation for approval and with the following recommendations:

Removing the 40% distinction for RS-1/RS-2 lots, and to allow an across the board maximum of 50% unit size for all sites, regardless of zoning classification.

Retaining the maximum height limit of 24 feet (27 feet for sloped roofs) for properties zoned RS-3, but allow the DRB/HPB to waive these lower heights limits for RS-3 zoned properties, and allow up to 28 feet (31 feet for sloped roofs).

Clarifying the lot aggregation section to permit a new home to be located in the middle of a site consisting of 3 lots, provided the sum of the side yard setback of the main structure are equivalent to the width of the smallest of the 3 aggregated lots. Additionally, the overall unit size and lot coverage of the main home would be based upon the combined size of the largest 2 lots.

Modifying the 70% 2nd floor volume rule to only be mandatory in those instances where the overall lot coverage for a proposed home is 25% or greater. Additionally, this 70% requirement

for the 2nd story volume can still be waived at the discretion of the DRB/HPB, which provides an appropriate safety valve exists for unique conditions and circumstances.

That a ten (10') foot setback also be required from the rear wall of non-waterfront lots, unless waived by the DRB/HPB. The DRB/HPB would only have the authority to waive the rear setback on non-waterfront lots.

That the applicability date be moved to September 24, 2013, which is the date that the Planning Board transmitted the Ordinance to the Commission, but only apply to those properties that either obtained a Full Building Permit or approval from a Land Use Board by September 24, 2013.

Report Of The Finance And Citywide Projects Committee Meeting On January 30, 2014: C6B Emergency Item: 1) Discussion Regarding World Out Games Miami Beach 2017 Update. I. Agenda Items That Were Previously Referred By Commissioners Who Are No Longer With The City Commission: 1) Status Update On Business Tax Process Improvement. 2) Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan. 3) Discussion Regarding Small Cells On Existing Poles. 4) Discussion Regarding Red Light Cameras In Miami Beach In Light Of A New State Law That Goes Into Effect On July 1, 2013. 5) Discussion Regarding Enhancements To Our Parking System To Offer Resident's Better Rate As It Pertains To Scooters And Motorcycles, And Set Up Special Spaces To Encourage The Use Of Scooters And Motorcycles To Further Reduce Traffic. 6) Discussion To Add The Additional Pending Block Party Fees To The Already Approved Commission Waiver Fee For Miami Beach Gay Pride 2013 That Was Approved In March 2013. 7) Discussion To Support Miami-Dade County Public Schools Spanish Foreign Language Initiative In Which All Miami Beach Feeder Schools Offer Spanish Foreign Language Tracks To Enable All Interested Miami Beach Students To Take Spanish For High School Credit In All Miami Beach Middle Schools And High Schools (Nautilus Middle, Feinberg Fisher K8, And Ruth K. Broad Bay Harbor K8). 8) Ordinance No. 2013-3826 Adopted And Referred To The Finance And Citywide Projects Committee To Discuss The 60 Employees That Are Capped Out. 9) Discussion Regarding The Liability Of Police Officers As It Pertains To Off Duty Work. 10) Discussion To Enhance Police Patrol In Miami Beach Schools, Which In Turn Secures The Safety Of All Students, Parents And Staff. 11) Discussion That Looks Into What Occurs With Our MBPD Retired Police Dogs And To Discuss Possible Allocation Of Funding For Their Medical Needs. II. Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List: 1) Discussion Regarding Exploring The Impacts From The Reduction Of On-Street Parking Spaces On Alton Road Between 6th Street And Michigan Avenue Caused By The FDOT Project. 2) Discussion Regarding Proposed Comprehensive Records Management Plan. 3) Discussion Regarding Proposed City Wide Survey Of Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City. 4) Discussion Regarding A Possible Partnership Between The City Of Miami Beach And The Bicycle Action Committee (BAC) In An Effort To Promote Safety For Bicyclists. III. Old Business: 1) Discussion Regarding Upgrade To Municipal Parking Garage Gated Revenue Control System. IV. New Business: 2) Discussion On The Review And Recommendations For Improving The City's Procurement Code Completed By The National Institute For Public Procurement (NIGP). 3) Discussion Regarding TECO/Peoples Gas System, Inc. Franchise Agreement.

ACTION:

EMERGENCY ITEM:

Item 1: Discussion Regarding World Out Games Miami Beach 2017 Update:

The Committee recommended providing \$100,000 to the World Out Games, which they would give \$50,000 back once the VCA sponsorship reimburses them and those funds would be allocated in the following year's budget to the World Out Games. Chairperson Weithorn also requested that World Out Games meet with Budget Director John Woodruff, Assistant City Manager Kathie Brooks and Tourism and Cultural Director Max Sklar to put a contract together for the allocation of funds.

Agenda Items That Were Previously Referred By Commissioners Who Are No Longer With The City Commission:

Item 2: Status Update On Business Tax Process Improvement

The Committee recommended leaving this item on the agenda since the new Accela process is still pending.

Item No. 2: Discussion Regarding: Business Tax Receipt Renewal Notices; How We Handle Over Charges; Reasons For Miscalculations; And Corrective Action Plan.

The Committee recommended removing this item.

Item 3: Discussion Regarding Small Cells On Existing Poles.

The Committee recommended removing this item.

Item 4: Discussion Regarding Red Light Cameras In Miami Beach In Light Of A New State Law That Goes Into Effect On July 1, 2013

The Committee recommended removing this item.

Item 5: Discussion Regarding Enhancements To Our Parking System To Offer Resident's Better Rate As It Pertains To Scooters And Motorcycles, And Set Up Special Spaces To Encourage The Use Of Scooters And Motorcycles To Further Reduce Traffic

The Committee recommended removing this item.

Item 6: Discussion To Add The Additional Pending Block Party Fees To The Already Approved Commission Waiver Fee For Miami Beach Gay Pride 2013 That Was Approved In March 2013

The Committee recommended moving forward with the additional waiver of \$827.60 and to amend the criteria for future fee waivers to be one or more.

Item 7: Discussion To Support Miami-Dade County Public Schools Spanish Foreign Language Initiative In Which All Miami Beach Feeder Schools Offer Spanish Foreign Language Tracks To Enable All Interested Miami Beach Students To Take Spanish For High School Credit In All Miami Beach Middle Schools And High Schools (Nautilus Middle, Feinberg Fisher K8, And Ruth K. Broad Bay Harbor K8)

The Committee recommended leaving this item on the agenda to be sponsored by Commissioner Micky Steinberg.

Item 8: Ordinance No. 2013-3826 Adopted And Referred To The Finance And Citywide Projects Committee To Discuss The 60 Employees That Are Capped Out

To be brought back next Finance Committee Meeting on February 21, 2014 after one on one meeting with Committee members providing them with information as to how much it is going to cost the City.

Item No. 9: Discussion Regarding The Liability Of Police Officers As It Pertains To Off Duty Work.

The Committee recommended removing this item.

Item No. 10: Discussion To Enhance Police Patrol In Miami Beach Schools, Which In Turn Secures The Safety Of All Students, Parents And Staff.

The Committee recommended removing this item.

Item No. 11: Discussion That Looks Into What Occurs With Our MBPD Retired Police Dogs And To Discuss Possible Allocation Of Funding For Their Medical Needs. II. Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List:

The Committee recommended leaving this item on the agenda to be sponsored by Chairperson Deede Weithorn.

Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List:

Item No. 1: Discussion Regarding Exploring The Impacts From The Reduction Of On-Street Parking Spaces On Alton Road Between 6th Street And Michigan Avenue Caused By The FDOT Project.

The Committee recommended removing this item.

Item No. 2: Discussion Regarding Proposed Comprehensive Records Management Plan. The Committee recommended removing this item.

Item No. 3: Discussion Regarding Proposed City Wide Survey Of Single Family Home Districts In Order To Determine The Number Of Architecturally Significant Homes In The City.

Chairperson Weithorn deferred taking any action until further information from the Land Use Committee was passed on surveying architectural homes. Assistant City Manager Kathie Brooks to coordinate with Planning regarding these items and to follow up with Land Use before bringing this item back to the Finance Committee on February 21, 2014.

Item No. 4: Discussion Regarding A Possible Partnership Between The City Of Miami Beach And The Bicycle Action Committee (BAC) In An Effort To Promote Safety For Bicyclists. III.

Assistant City Manager Kathie Brooks to present the item along with the bicycle safety campaign that was previously referred from Neighborhoods to the Finance Committee scheduled for the February 21, 2014 meeting.

Old Business:

Item No. 1: Discussion Regarding Upgrade To Municipal Parking Garage Gated Revenue Control System.

The Committee recommended moving forward with an invitation to negotiate to be brought before the March 21, 2014 Commission Meeting.

New Business:

Item No. 2: Discussion On The Review And Recommendations For Improving The City's Procurement Code Completed By The National Institute For Public Procurement (NIGP). Item deferred.

Item No. 3: Discussion Regarding TECO/Peoples Gas System, Inc. Franchise Agreement. The Committee recommended renegotiating with TECO/Peoples Gas System, Inc. in an effort to collect unearned franchise fees and taxes due to the City.

C6C Report Of The Neighborhood/Community Affairs Committee Meeting On January, 30, 2014: 1) Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List. 2) Discussion Regarding The Continuation Of The Adopt-A-Beach Pilot Program. 3) Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street. 4) Discussion Of Safety And Water Sports In Residential Areas. 5) Discussion Regarding The Andree Juliette Brun Bust And Chuck Hall Bust Formerly On Display At The Jackie Gleason Theater. 6) Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 2 Of The City Code, Entitled "Administration" By Amending Committee's" To Streamline The City's Boards By Expanding The Powers, Duties, And/Or Membership Of Certain Agencies, Boards And Committees And Abolishing Those That Are Boards, And Committees; Providing For Repealer, Severability, Codification, And An Effective Date. 7) Discussion Regarding The Establishment Of The City's Ticket Policy.

ACTION:

Item No. 1: Discussion Of Old Business Items To Determine If They Should Remain On The Pending Items List.

MOTION: by Commissioner Weithorn for items to be removed from the pending list.

Item No. 2: Discussion Regarding The Continuation Of The Adopt-A-Beach Pilot Program. MOTION: by Commissioner Weithorn for Public Works to negotiate areas of concern with ECOMB and send the item to Commission if the concerns can be addressed.

Item No. 3: Discussion Regarding A Resolution Approving An Amendment To The Flamingo Neighborhood Basis Of Design Report For 10-Foot Travel Lanes On Local Avenues And Streets As Well As Four (4) Feet Of Green Space And A 10-Foot Wide Path/Cycle Track Sidewalk Shared On Each Side In Lieu Of Bike Lane For 16th Street.

MOTION: By Commissioner Weithorn to refer the whole concept of paving and taking away green space to the Flood Task Force Committee and to have Public Works bring back to committee next month some specification drawings of the blocks on 16th Street that detail the cycle track. Seconded by Commissioner Malakoff.

Item No. 4: Discussion Of Safety And Water Sports In Residential Areas.

MOTION: by Commissioner Weithorn to take no action. No Second required.

Item No. 5: Discussion Regarding The Andree Juliette Brun Bust And Chuck Hall Bust Formerly On Display At The Jackie Gleason Theater.

MOTION: by Commissioner Weithorn to take no action. No Second required.

Item No. 6: Discussion Regarding An Ordinance Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Amending Chapter 2 Of The City Code, Entitled "Administration" By Amending Committee's" To Streamline The City's Boards By Expanding The Powers, Duties, And/Or Membership Of Certain Agencies, Boards And Committees And Abolishing Those That Are Boards, And Committees; Providing For Repealer, Severability, Codification, And An Effective Date.

MOTION: by Commissioner Malakoff to accept the ordinance.

Seconded by Commissioner Weithorn

Item No. 7: Discussion Regarding The Establishment Of The City's Ticket Policy.

MOTION: By Commissioner Weithorn to move to the next Commission meeting.

Seconded by Commissioner Malakoff

C7 - Resolutions

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) The Florida Department Of Agriculture And Consumer Services, Urban And Community Forestry Program, In The Approximate Amount Of \$10,000 For The Tree Inventory; 2) State Of Florida, Department Of Environmental Protection, Land And Water Conservation Fund (LWCF) For Funding In The Approximate Amount Of \$200,000 For Park Improvements; 3) Florida Junior Golf Council, For Funding In The Approximate Amount Of \$5,000 For The Normandy Shores Youth Golf Program; 4) State Of Florida, Department Of Health, For Funding In The Approximate Amount Of \$40,000 For Equipment Related To Pre-Hospital Emergency Services; 5) Florida Office Of The Attorney General, Victims Of Crime Act (VOCA) Funding, In The Approximate Amount Of \$100,000 For The City's Victims' Advocate Program; And, 6) Approval To Submit A Request To The State Legislature For Water Projects Funding In The Approximate Amount Of \$500,000; Appropriating The Above Grants, Funding Requests, Matching Funds, And City Expenses, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants And Funding Requests.

(Budget & Performance Improvement)

ACTION: Resolution 2014-28480 adopted. Patricia Walker to appropriate the funds if approved and accepted. John Woodruff and Judy Hoanshelt to handle.

C7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 Of The Contracts, With, Respectively, All Uniform Wear, Global Trading, Swago T-Shirts And Unicommerce, As Awarded Pursuant To ITB No. 25-10/11 For The Purchase And Delivery Of Uniforms And Accessories For Various Departments, Said Amendment For The Purchase Of Balance Of Line Uniform Items To Replace Discontinued Items Or Supplemental Items Under The ITB.

(Human Resources/Procurement)

ACTION: Resolution 2014-28481 adopted. Sylvia Crespo-Tabak to handle.

C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 228-2013, For Emergency Shelter Beds To Serve Homeless Population; Authorizing The Administration To Enter Into Negotiations With The Three (3) Proposers, Lotus House Women's Shelter, Camillus House, And The Salvation Army And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Completion Of Successful Negotiations By The Administration.

(Community Services/Procurement)
(Resolution)

ACTION: Resolution 2014-28482 adopted. Maria Ruiz and Alex Denis to handle.

C7D A Resolution Electing Commissioner Micky Steinberg, Group I, As Vice-Mayor, For A Term Commencing On March 1, 2014 And Terminating On June 30, 2014, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution 2014-28483 adopted. Rafael E. Granado to handle.

C7E A Resolution Waiving Space Rental Charges At The Colony Theatre For The Nautilus Middle School Parent/Teacher Association Ray Modia Retirement Concert.

(Requested by Commissioner Micky Steinberg) (Legislative Tracking: City Attorney's Office)

ACTION: Resolution 2014-28484 adopted. Max Sklar to handle.

C7F A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Negotiate And Execute Lease Agreements With Williams Scotsman And Modspace, For The Lease Of Office Trailers, Not To Exceed Annual Amount Of \$32,712, For A Period Of One (1) Year, In Order to Continue To House The Offices For Certain Property Management Division Staff.

(Public Works)

ACTION: Resolution 2014-28485 adopted. Eric Carpenter to handle.

A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1
To Agreement Of Lease ("Ground Lease") By And Between The City Of Miami Beach ("Owner"),
And 1691 Michigan Ave Investment LP ("Tenant"), Dated As Of September 1, 1999, Involving
The Improvements To Property Located At 1663 Michigan Avenue, Miami Beach, Florida
("Garage Facility") And 1691 Michigan Avenue, Miami Beach, Florida ("Office Space")
(Collectively The "Project"); Modifying The Scope Of Use Under The Ground Lease By Reducing
The Minimum Number Of Parking Spaces Required For The Garage Facility, From 700 To 645
Spaces; Increasing The Minimum Number Of Parking Spaces Required To Be Maintained At All
Times For Use By The General Public From 100 To 155 Parking Spaces; And Further Increasing
The Minimum Number Of Monthly Parking Spaces For Members Of The General Public From 50
To 75, In Connection With The Development Of A Miniature Golf Project At The Sixth Floor Of
The Garage Facility.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28486 adopted. Max Sklar to handle.

C7H A Resolution Waiving, By A 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Procurement Of Construction Services, In The Not To Exceed Amount Of \$50,000, Plus A \$5,000 Contingency, For A Total Of \$55,000, From Central Florida Equipment Rentals, Inc., To Relocate 155 Linear Feet Of 8 Inch Dip Water Main On SR-A1A (Indian Creek Drive), From 42nd To 44th Street, In Conjunction With The FDOT's Indian Creek Drive And Collins Avenue Stormwater Drainage Improvement Project. (Public Works)

ACTION: Item withdrawn.

C7I A Resolution Approving An Assignment Of The Service Agreement, Dated June 9, 2010, For Collection And Disposal Of Residential Solid Waste, Yard Trash, Bulk Waste, And Operation Of The City's Green Waste Facility, From Choice Environmental Services, Inc. (As The Successor, Via Merger, To Choice Environmental Services Of Miami, Inc.), As Assignor, To Progressive Waste Solutions Of FL, Inc. (Progressive), As Assignee; And Also Acknowledging A Change Of Name, Under Both The Non-Exclusive Franchise Agreement For Residential And Commercial Solid Waste Collections And Disposal And The Service Agreement For Additional Solid Waste Collection Services And Collection Of Recycling Materials At City-Owned Properties, Parks, Rights Of Ways, And Other Public Facilities And Property(ies), From Waste Services Of Florida, Inc., To Progressive Waste Solutions Of FL, Inc.; Which Change Of Name Took Place On August 16, 2013, And Which Does Not Require Approval And/Or Other Action Of The City Commission. (Public Works)

ACTION: Resolution 2014-28487 adopted. Eric Carpenter to handle.

C7J A Resolution Accepting The Recommendation Of The Sustainability Committee At Its January 21, 2014 Meeting To Allocate And Appropriate The Revenue Generated From Toner, Inkjet, And Laser Cartridge Recycling At Various City Facilities, Pursuant To Miami-Dade County Contract No. IB8091-0/18, To Fund Environmental Programs In The City.

(Public Works)

ACTION: Resolution 2014-28488 adopted. Patricia Walker to appropriate the funds. Eric Carpenter to handle.

MOVED TO REGULAR AGENDA ITEM R7F

C7K A Resolution Approving The Recommendation Of The Flooding Mitigation Committee To Amend The Stormwater Management Master Plan (As Adopted By The City Commission On November 14, 2012, Pursuant To Resolution No. 2012-28068), By Modifying The Design Criteria For The Tailwater Elevation From 0.5 FT-NAVD, To 2.7 FT-NAVD For All Tidal Boundary Conditions. (Public Works)

ACTION: Item moved to Regular Agenda Item R7F.

C7L A Resolution Waiving The Space Rental Fee Of \$1,100 At The Colony Theatre For The Miami Herald Media Company's Screening Of "The Day It Snowed In Miami," A Feature Length Documentary By Joe Cardona, On March 4, 2014.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28489 adopted. Max Sklar to handle.

C7M A Resolution Authorizing The Mayor And City Clerk To Execute A Maintenance Memorandum Of Agreement With The Florida Department Of Transportation (FDOT) For The Maintenance Of Hardscape Improvements At The West Side Of The Intersection Of Collins Avenue And Lincoln Road Related Right-Of-Way Infrastructure Improvement Program City Center Neighborhood No.9C (Lincoln Road) Project.

(Capital Improvement Projects Office)

ACTION: Resolution 2014-28490 adopted. Eric Carpenter to handle.

C7N A Resolution Approving Change Order No. 1 To The Construction Contract With Lanzo Construction Co. Florida, For The Purchase And Installation Of Automatic Meter Readers For The Venetian Islands Bid Package 13C Right-Of-Way Infrastructure Improvement Project, In The Amount Of \$195,532, Plus Contingency In The Amount Of \$19,553, For A Total Of \$215,085, With Funds Available From Previously Appropriated Funds From 423 - Gulfbreeze 2006 Fund. (Capital Improvement Projects)

ACTION: Resolution 2014-28491 adopted. David Martinez to handle.

C7O A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee Authorizing The City Manager To Enter Into A Grant Agreement With Miami Beach-Miami LGBT Sports And Cultural League, Inc. For \$100,000, With \$50,000 To Be Repaid Upon Receipt Of Funding From The Miami Beach Visitor And Convention Authority, In Support Of The World Outgames 2017.

(Tourism, Culture & Economic Development)

ACTION: Resolution 2014-28492 adopted. Max Sklar to handle.

SUPPLEMENTAL MATERIAL 1: Resolution

C7P A Resolution Waiving Space Rental Charges In The Amount Of \$9,700 At The Colony Theatre For The Miami Gay And Lesbian Film Festival, A Non-Profit 501(C)3 Organization, Taking Place April 27 - May 3, 2014.

(Requested by Commissioner Micky Steinberg)

ACTION: Resolution 2014-28493 adopted. Max Sklar to handle.

MOVED TO REGULAR AGENDA ITEM R7G SUPPLEMENTAL MATERIAL 1: Resolution

C7Q A Resolution Authorizing The City Manager To Implement Any And All Options Including, Without Limitation, Extending The Hours Of Construction Activities Pursuant To The City's Noise Ordinance To Expedite Construction On Florida Department Of Transit (FDOT) Alton Road Improvements From 5th Street To Michigan Avenue (The Project) So That The Project May Be Completed Prior To Its Scheduled Completion Date Of April 2015 And On Or Before December 31, 2014.

(Requested by Mayor Philip Levine)
(Legislative Tracking: City Attorney's Office)

ACTION: Item moved to Regular Agenda Item R7G.

MOVED TO REGULAR AGENDA ITEM R7H

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

C7R A Resolution Setting A Public Hearing To Adopt The Third Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Item moved to Regular Agenda Item R7H.

MOVED TO REGULAR AGENDA ITEM R7I SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

C7S A Resolution Cancelling And Rejecting All Proposals Received Pursuant To Request For Proposals No. 14-11/12 For A Public-Private Development In Miami Beach On North Lincoln Lane, Between Alton Road And Meridian Avenue, Including City-Owned Parking Lot No.25 On 17th Street And Lenox Avenue, Parking Lot No.26 On North Lincoln Lane, Between Lenox Avenue And Michigan Avenue, And Parking Lot No.27 On North Lincoln Lane Between Jefferson Avenue And Meridian Avenue.

(City Manager's Office/Procurement)

ACTION: Item from to Regular Agenda Item R7I.

End of Consent Agenda

REGULAR AGENDA

9:19:39 a.m.

MOVED FROM CONSENT AGENDA ITEM C2J

R2A Request For Approval To Issue A Request For Qualifications (RFQ) For A Design Criteria Professional (DCP) To Prepare The Design Criteria Package For The Miami Beach Convention Center Renovation Project, Which Is Intended To Be A Design-Build Contract And Further Authorizing The City Manager To Negotiate And Execute Any Additional Contracts, As Required, In Order To Expedite The RFQ Process Including, But Not Limited To, An Amendment To The City's Existing Contract With Strategic Advisory Group; An Agreement With A Surveyor; And An Agreement For Constructability Review; Provided That The Manager Report Back To The City Commission, Via Letter To Commission, On Any And All Such Additional Contracts Entered Into Pursuant To This Directive.

(City Manager's Office/Procurement) (Attachment A: RFQ 2014-142ME)

ACTION: Item R2A was moved from the Consent Agenda (formerly Item C2J). Request authorized. Motion by Commissioner Malakoff; seconded by Vice-Mayor Weithorn; Voice vote 7-0. **City Manager's Office and Alex Denis to handle.**

Jimmy L. Morales, City Manager, explained that in the spirit of trying to be effective and efficient, the Administration reviewed the process, and after meeting with the staff, the approach they are taking is to do the design build, and they will be hiring a design criteria professional through a competitive process. They will also need an outside entity to put this together. They have come back with an RFQ on qualitative basis, and it is their commitment to turn this around and bring a recommendation by the end of March or early April at a Special Commission Meeting. Jeff Sachs, the City's consultant, has been receiving inquiries from major companies that do this work and they are very interested. This is still a very exciting project in the national market.

Mayor Levine asked if this is just hiring the design firm that creates the RFP.

Mr. Morales explained that the design criteria package sets forth many of the criteria that will lead to the design build; it is a requirement, it is a State law that CCNA requires that a professional be

hired.

Vice-Mayor Weithorn is in favor of moving this item forward, but wants everyone to understand that this is a design build bid package, which means that the City Commission has to agree this is the direction it wants to proceed. For the record, she clarified that the Commission agrees that the direction given to the Administration is to have someone do the design criteria as one package. She believes this is the best and quickest option, and probably the best option financially.

Maria Hernandez, Special Assistant to the City Manager, explained that they have shown what the benefits and disadvantages are of this approach in the memorandum that was included with the agenda package. They are trying to bridge that gap. With the design criteria professional, they will take the design to 30%; they will actually design the building with them and then hand it off to a design builder down the road. They will have conceptual plans, design development, schematic design, everything will show in the schedule and will be a very important process, and will remain on board until the end of the project, to ensure that what they have as specs is what is executed in the ultimate design.

Mr. Morales explained that because of the way the ordinance for a 1% tax was drafted, it requires a development agreement before one starts collecting the tax, the sooner they get to a design build contract the faster the tax can be collected, which will be utilized to fund the project. This approach not only gets the building done sooner and better, but also gets to the financing needed quicker.

Commissioner Steinberg is happy to see that the City Manager incorporated some of their suggestions into the RFP.

Discussion held.

Maria Hernandez, Special Assistant to the City Manager, added that the current scheduled shows that the City Commission will be approving the design and approving the RFP on the same date, but they plan to show the design during the process.

City Clerk's Note: The following corrections were announced:

Add the following language at the end of the existing language approving the issuance of the RFQ: "... And Further Authorizing The City Manager To Negotiate And Execute Any Additional Contracts, As Required, In Order To Expedite The RFQ Process Including, But Not Limited To, An Amendment To The City's Existing Contract With Strategic Advisory Group; An Agreement With A Surveyor; And An Agreement For Constructability Review; Provided That The Manager Report Back To The City Commission, Via Letter To Commission, On Any And All Such Additional Contracts Entered Into Pursuant To This Directive."

The revised RFQ includes non-material edits/corrections and the following material changes:

- Compression in timeline in both RFQ process and Preliminary Schedule (Appendix D).
- Revised Evaluation Criteria to Comply with Section 287.055, Florida Statutes.
- Clarification requiring that a minimum of 500,000 SF, at a minimum, of exhibit space be maintained.

R5 - Ordinances

10:15:18 a.m.

R5A Single Family Development Regulations

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Criteria And Procedures For The Review And Approval Of Single-Family Residential Construction, By Replacing The Single-Family Residential Review Panel, By Clarifying And Amending The Standards And Procures For Reviewing New Construction And Additions In Single Family Districts, Including Modifications To Lot Coverage, Unit Size And Overall Height, By Clarifying The Below Flood Level Construction Requirements For Affected Properties In High Flood Zones, And By Clarifying Setback And Lot Coverage Requirements; Providing Codification; Repealer; Severability; And An Effective Date. 10:10 a.m. Second Reading Public Hearing

(Sponsored by the Planning Board) (Legislative Tracking: Planning Department) (First Reading on January 15, 2014/Referred to LUDC)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3835 adopted Option No. 1 with the two staff recommendations.** Motion made by Vice-Mayor Weithorn to approve the ordinance, Option No. 1 with the staff's recommendations; seconded by Commissioner Grieco; Ballot vote: 6-1; Opposed: Commissioner Tobin. **Thomas Mooney to handle.**

Option 1

This ordinance shall not apply to:

- 1. Anyone who filed an application for Land Use Board Approval with the Planning Department on or before September 24, 2013; or
- 2. Anyone who obtained a Building Permit Process Number from the Building Department on or before September 24, 2013; or
- 3. Anyone who establishes equitable estoppel as provided in City Code Section 118-168, by obtaining a building permit or Design Review Board approval prior to zoning in progress or City Commission adoption of this Ordinance.

142-105(b)(5)c Calculating lot coverage. For purposes of calculating lot coverage, the footprint shall be calculated from the exterior face of exterior walls and the exterior face of exterior columns on the ground floor of all principal and accessory buildings, or portions thereof. Internal Courtyards, which are open to the sky, but which are substantially enclosed by the structure on four 3 or more sides, shall be included in the lot coverage calculation.

142-105(b)(4)b For purposes of this subsection, unit size means the sum of the gross horizontal areas of the floors of a single family home, measured from the exterior faces of exterior walls. However, the unit size of a single family home shall not include the following, unless otherwise provided for in these land development regulations

- 1. Uncovered steps.
- 2. Attic space, providing structural headroom of less than seven feet six inches.
- 3. Terraces, breezeways, or open porches, provided any such covered spaces do not project more than ten feet from the building.
- 4. Enclosed floor space used for required off-street parking spaces (maximum 500 square feet).
- 5. Exterior unenclosed private balconies, provided any such balcony does do not project more than six feet from the building.

Thomas Mooney, Acting Planning Director, introduced the item, and added that there is a PowerPoint presentation if time permits.

Discussion held.

Danny Herzberg

The following individuals spoke:
Daniel Zorelthen on behalf of the Miami Dade Preservation League
Robert Gonzalez, homeowner on Sunset Island at 2121 Lake Avenue
Ralph Choeff, Architect
Terry Bienstock from Sunset Island 3
Ahmad Lee Khamsi, 212 West Dilido Drive
Michael Larkin, Esq.
Jamie Rubinstein
Amanda Allison
Clotilde Luce
Patrick Malloy Esq.

Commissioner Wolfson stated that due to fairness, if somebody filed a building permit and invested money, this should not apply. He prefers Option No. 1.

Mayor Levine stated that he spent time with Tom Mooney and read the ordinance, he is also a property owner of a pre-1942 home, and this is very well thought-out because it protects both sides. He thinks this is a balanced approach, and prefers Option No. 1.

Vice-Mayor Weithorn stated that RS3 should still go to the Design Review Board, no matter what the lot size is. She also prefers Option No. 1.

Thomas Mooney stated that RS3, regardless of the size foot of the lot, must go to the Design Review Board.

Commissioner Grieco stated that these recommendations were the result of full and lengthy discussions.

Motion made by Commissioner Weithorn to approve Option No. 1 with the staff recommendation; seconded by Commissioner Grieco; Ballot vote: 6-1: Opposed: Commissioner Tobin.

Commissioner Tobin requested that Clotilde Luce meet with him in advance on these issues because what she says always makes sense.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald Ad No. 855
- Email from <u>AMoriber@aol.com</u> dated February 10, 2014 RE: Public Hearings R5A and R5B Zoning Ordinance Amendments and attached letter from Sara and Andrew Moriber requesting distribution
- 3. Color photographs of house with 20-foot hedge
- 4. Color aerial photograph showing the islands
- 5. Several aerial color photographs of rooftops and new constructed homes.

10:57:18 a.m.

R5B Architecturally Significant Single Family Home Retention Incentives

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising The Standards And Review Requirements For New Construction, Additions And Modifications To Properties That Contain An Architecturally Significant Single Family Home Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. 10:25 a.m. Second Reading Public Hearing

(Sponsored by the Land Use & Development Committee/ Requested by Former Mayor Bower) (Legislative Tracking: Planning Department) (First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3836 adopted with the recommendation from staff**. Motion made by Commissioner Malakoff to approve the ordinance with the staff's recommendation; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed; Vice-Mayor Weithorn. **Thomas Mooney to handle.**

Thomas Mooney, Acting Planning Director, introduced the item.

The following individuals spoke:

Peter Luria, resident of Sunset Island 3, congratulated the Planning Staff, the City Manager and the City Commission because they got this right.

Andrew Moriber

Amanda Allison

Daniel Zorelthen, on behalf of Miami Design Preservation League.

Terry Bienstock spoke against this ordinance even though he proposed it because it is not ready to be passed at this time. It should be sent back to the Planning Board.

Michael Larkin, Esq.

Robert Gonzalez

Ahmad Lee Khamsi

Jamie Rubinstein

John Martin

Nancy Liebman

Discussion held.

11:17:21 a.m.

Mayor Levine recapped what this ordinance is doing. On a pre-1942 home, the homeowner will have the same rights as the owner of any other home to do remodeling, demolition, etc.

- 1. Property owners will be able to build on 30% of the lot (footprint) and the total volume cannot exceed 50%.
- 2. The difference would be that if somebody has a pre-1942 home and they were to demolish it, they could not do it unless they obtain a building permit and plans approved by the Design Review Board.
- 3. There are varieties of incentives to encourage people not to demolish a pre-1942 home.

Thomas Mooney, Acting Planning Director, stated that the incentive encourages the retention by

allowing a little bit more in terms of footage for additions. Discussion continued.

Motion made by Commissioner Malakoff to adopt the ordinance with the recommendation from staff; seconded by Commissioner Wolfson; Ballot vote: 6-1; Opposed Vice-Mayor Weithorn.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald Ad No. 855
- 2. Email from AMoriber@aol.com dated February 10, 2014 RE: Public Hearings R5A and R5B Zoning Ordinance Amendments and attached letter from Sara and Andrew Moriber requesting distribution.

11:24:41 a.m.

R5C Alton Road Historic District Buffer Overlay

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Feet.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. 10:40 a.m. First Reading Public Hearing

(Sponsored by the Land Use & Development Committee/Requested by City Commission) (Legislative Tracking: Planning Department)

ACTION: Title of the ordinance read into the record. Public Hearing held. Ordinance approved on first reading. Motion made by Commissioner Malakoff to approve the ordinance as amended, including staff recommendations No. 1 and No. 4; seconded by Commissioner Steinberg; Ballot vote: 6-1: Opposed: Commissioner Tobin. Second reading and public hearing scheduled for March 5, 2014. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

MOTION:

Commissioner Malakoff agreed that a Master Plan is needed but it takes a long time and they should not ignore the property owners on Alton Road until the Master plan is done. Motion made to approve the ordinance with the following conditions:

- 1. Including the five (5) stories;
- 2. Including retail uses on the second floor for under 2,500 feet for tenants;
- 3. Allow open structures in courtyards; and
- 4. Including staff recommendations No. 1 and No. 4

Thomas Mooney, Acting Planning Director, introduced the item.

The following individuals spoke:

Jimmy Resnick

Jack Johnson, long-term resident of the Flamingo Park Neighborhood, not as member of the Planning Board.

Carter McDowell, Esq., representing property owner at 929 Alton Road

Micky Marrero, Esq., representing 1150 Alton Road

Nancy Liebman, representing Miami Beach United.

Cecilia Coltbrazer

Romain Quebec

Mark Needle

Russell Galbut, property owner on Alton Road.

Jimmy L. Morales, City Manager, stated that staff is comfortable with the ordinance as is.

Mayor Levine asked Mr. Mooney to specify the amendments.

11:49:51 a.m.

Thomas Mooney, Acting Planning Director, read the amendments into the record:

- 1. High limitation 50 feet be retained;
- 2. Number of stories up to five (5) stories with a height limit of 50 feet;
- 3 Provision for no setback variances would be removed; and,
- 4 Minimum separation provision for larger aggregate lots would not be applicable to properties south of 8th Street.

Discussion held.

Commissioner Tobin is against passing this "Band-Aid." He added that the Master Plan is needed. He is against it because he is for the Master Plan and certainty.

11:58:13 a.m.

MOTION:

Commissioner Malakoff agreed that a Master Plan is needed but it takes a long time and they should not ignore the property owners on Alton Road until the Master plan is done. Motion made to approve the ordinance with the following conditions:

- 1. Including the five (5) stories;
- 2. Including retail uses on the second floor for under 2,500 feet for tenants
- 3. Allow open structures in courtyards; and
- 4. Including staff recommendations No. 1 and No. 4.

Discussion continued.

Motion seconded by Commissioner Steinberg; Ballot vote; 6-1; Opposed: Commissioner Tobin.

Handouts and Reference Materials:

1. Ad in The Miami Herald - Ad No. 860

12:00:10 p.m.

R5D Mechanical Parking Systems

An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 130 "Off-Street Parking," Article II "Districts, Requirements," Section 130-38, "Mechanical And Robotic Parking Systems," By Modifying The Requirements For Mechanical Parking Devices And Robotic Parking Systems; Providing For Repealer; Codification; Severability And An Effective Date. **10:55 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee)
(Legislative Tracking: Planning)
(First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3838 adopted**. Motion made by Commissioner Tobin to approve the ordinance; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Thomas Mooney to handle.**

Thomas Mooney, Acting Planning Director, introduced the item.

Carter McDowell, Esq., spoke.

Discussion held.

Mr. Mooney, Acting Planning Director explained that this was an Ordinance approved on first reading on January 15, 2014, the Administration recommends that it be adopted as is.

Commissioner Malakoff explained that when she was on the Planning Board, and when the subject of bringing in Mechanical and Robotic Parking System came up, she had opined that it was going to encourage larger buildings to be built because they could satisfy the parking requirement with the mechanical parking system and thus be able to put more units within their FAR. She believes that this is what has happened in many cases. If they are looking at the whole issue of parking, she thinks that they really need to look at whether mechanical parking systems are just allowing developers to get more units in, and creating more cars than would normally be allowed under the Code without mechanical parking systems.

Handouts and Reference Materials:

1. Ad in The Miami Herald - Ad No. 855

12:04:08 p.m.

R5E Talmudic University - RM-2 Heights

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Subdivision IV, "RM-2 - Residential Multifamily, Medium Intensity," Section 142-217, "Area Requirements," To Modify The Requirements For Maximum Building Height And Maximum Number Of Stories Within The RM-2 District Along Alton Road Between Arthur Godfrey Road And West 34th Street; Providing For Codification; Repealer; Severability; And An Effective Date. 11:05 a.m. Second Reading Public Hearing

(Sponsored by the Land Use and Development Committee)
(Legislative Tracking: Planning)
(First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3839 adopted**. Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Grieco; Ballot vote: 7-0. **Thomas Mooney to handle.**

Mathew Amster, Esq., representing the Talmudic University, spoke.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 855

12:06:47 a.m.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 54, Entitled "Floods," By Amending Article II, Entitled "Floodplain Management," By Amending Division 1, Entitled "Generally," By Amending Section 54-35, Entitled "Definitions" By Amending The Definition Of "Substantial Improvement" To Apply To Improvements Taking Place During A One Year Period Instead Of During A Five Year Period; And Providing For Repealer, Severability, Codification, And An Effective Date. 11:15 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff) (Legislative Tracking: Building) (First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3840 adopted**. Motion made by Commissioner Malakoff to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 7-0. **Mariano Fernandez to handle.**

Stephen Scott, Assistant Building Department Director, introduced the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 855

12:07:51 p.m.

An Ordinance Amending Chapter 2 Of The City Code, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees" To Streamline The City's Boards By Expanding The Powers, Duties And/Or Membership Of Certain Agencies, Boards And Committees And Abolishing Those That Are Superseded By The Enhanced Agencies, Boards, And Committees; Providing For Repealer, Severability, Codification, And An Effective Date. 11:25 a.m. Second Reading Public Hearing

(Sponsored By Commissioner Joy Malakoff) (Legislative Tracking: City Attorney's Office) (First Reading on January 15, 2014/Referred to NCAC)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3841 adopted as amended.** Motion made by Commissioner Malakoff to approve the ordinance; seconded by Vice-Mayor Weithorn; Ballot vote: 7-0. **City Attorney's Office and Rafael Granado to handle.**

Amendment:

A review in six months on the status of the merging of the Marine Authority and the Waterfront Protection Committee, and the Bicycle-Pedestrian Facilitates Advisory Committee and the Transportation and Parking Committee. **City Attorney's Office to handle.**

Captain Daniel Kipnis stated in reference to the Marine Authority merging with the Waterfront Protection Committee is not a good idea. He detailed what the Waterfront Protection Committee does and what the Marine Authority has done. He will do his best even if this merge takes place.

Ken Bereski spoke.

Dr. Morris Sunshine spoke.

Commissioner Malakoff stated that she spoke to Captain Kipnis and Dr. Sunshine and asked them to give the merger a chance. In reference to the Bicycle and the Transportation Committees, they had a joint meeting and both are interested on the safety of the bicyclists and transportation. She asked that they too give this a chance.

Commissioner Wolfson asked if this merger could be revisited in a short period to see how they are doing. He stated six months.

Captain Daniel Kipnis explained that he would try it if he can be assured that if it does not work he can come back and revisit it.

Dr. Morris Sunshine spoke.

Commissioner Malakoff stated that the Beautification Committee gives awards and they do not warrant meetings every month, the same for the Fine Arts Board. An Ad-Hoc committee will be set up for the beautification awards.

Motion made by Commissioner Malakoff with a review in six months on the status of the merging of the Marine Authority and the Waterfront Protection Committee, and the Bicycle-Pedestrian Facilitates Advisory Committee and the Transportation and Parking Committee; seconded by Commissioner Wolfson.

Pursuant to Section 2-13 of the Code, motion accepting the Neighborhood/Community Affairs Committee's recommendation of this Ordinance made by Commissioner Weithorn; seconded by Commissioner Malakoff; Voice-vote: 7-0.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald Ad No. 855
- 2. City of Miami Beach Marine Authority recent actions.

12:21:59 p.m.

R5H No Wake Zone Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 66, Entitled "Marine Structures, Facilities And Vehicles," By Amending Article II, Entitled "Restricted Wake Zones," By Amending Section 66-43, Entitled "Restricted Areas," By Amending Subsection C Thereof Regarding The Slow Speed, Minimum Wake Zone By Amending The Boundaries Thereof And Amending Area C On The Appendix Thereto; Providing For Repealer, Severability, Codification, And An Effective Date. 11:35 a.m. Second Reading Public Hearing

(Sponsored by Mayor Philip Levine)
(Legislative Tracking: City Attorney's Office)
(First Reading on January 15, 2014)

ACTION: Item opened and continued to April 23, 2014. Motion to open and continue the item made by Vice-Mayor Weithorn seconded by Commissioner Malakoff; Voice vote: 7-0. **City Attorney's Office to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 856

12:22:47 p.m.

An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration," By Amending Article IV Entitled "Officers And Employees," By Amending Section 2-191 Entitled "Enumeration Of Organizational Units," By Creating The Office Of Communications, Office Of Budget And Performance Improvement, Information Technology Department, Procurement Department, Tourism, Culture And Economic Development Department, Planning Department, Office Of Housing And Community Development, And Office Of Capital Improvement Projects; Eliminating The Divisions Under Offices And Departments; And Further Providing Amendments To The Names Of Certain Departments And Offices; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. 11:45 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Human Resources)
(First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3842 adopted**. Motion made by Commissioner Malakoff Weithorn to approve the ordinance; seconded by Vice-Mayor Weithorn Ballot vote: 6-0; Absent: Commissioner Grieco. **Sylvia Crespo-Tabak to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 855

12:24:10 p.m.

R5J MBERP For GSAF

An Ordinance Implementing Provisions Of The 2012-2015 Collective Bargaining Agreement Between The City And The Government Supervisors Association Of Florida, OPEIU, Local 100 (GSAF); Amending The Miami Beach Employees' Retirement Plan Created By Ordinance 2006-3504; Amending Section 2.26 Of The Plan By Extending The Deferred Retirement Option Plan (DROP) Program From Three (3) To Five (5) Years For Eligible Members; Amending Section 5.13 To Reflect Amended Eligibility And Participation Requirements And Amended DROP Plan Features; Amending Section 4.03 By Eliminating The Purchase Of Additional Creditable Service For Certain Members; Amending Section 6.03 Requiring The City To Contribute At Least The Normal Cost To Pension Each Year, Requiring An Experience Study At Least Every Three (3) Years And Requiring Five (5), Ten (10) And Twenty (20) Year Projections Of Required Pension Contributions As Part Of The Annual Actuarial Valuation; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing An Effective Date. 11:55 a.m. Second Reading Public Hearing

(Sponsored by Commissioner Deede Weithorn) (Legislative Tracking: Human Resources) (First Reading on January 15, 2014)

ACTION: Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2014-3837 adopted**. Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item and explained that this is the implementing action of what was ratified with the GSA Agreement whereby the DROP was extended from tree three to five years, and then implementing the pension policies that were adopted by the board.

Vice-Mayor Weithorn added that this conforms to what they did for other employees.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 855

5:06:00 p.m.

R5K RM-2 Hotel Office Uses

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations" Article II "District Regulations," Division 3 "Residential Multifamily Districts," Subdivision IV "Residential Multifamily, Medium Intensity," Section 142-212, "Main Permitted Uses," To Expand The Allowable Uses In The RM-2 District To Include Certain Types Of Office Uses That Are Associated With Nearby Hotels On Collins Avenue; Providing For Repealer; Severability; Codification; And An Effective Date. **5:05 p.m. First Reading Public Hearing**

(Sponsored by Vice-Mayor Deede Weithorn)
(Legislative Tracking: Planning)

ACTION: Title of the ordinance read into the record. Public Hearing held. Motion made by Commissioner Malakoff to approve the ordinance on first reading; seconded by Commissioner

Grieco; Ballot vote: 6-0; Absent: Vice-Mayor Weithorn. Second reading and public hearing scheduled for March 5, 2014. Lilia Cardillo to place on the Commission Agenda if received. **Thomas Mooney to handle.**

Pursuant to Section 2-13 of the Code, motion accepting the Land Use and Development Committee's recommendation of this Ordinance made by Commissioner Grieco; seconded by Commissioner Malakoff; Voice-vote: 6-0; Absent: Vice-Mayor Weithorn..

Thomas Mooney, Acting Planning director, introduced the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad No. 855

9:26:30 a.m.

R5L Building Department Permit Fees

An Ordinance Amending Chapter 14 Of The City Code, Entitled "Building Regulations," By Amending Article II, Entitled "Construction Standards," By Amending Division 2, Entitled "Permit Fees," By Amending The Following Sections Therein, To Wit: Section 14-61, Entitled "Permit Fees, Generally"; Section 14-62, Entitled "Building Permits"; Section 14-63, Entitled "Plumbing Permits"; Section 14-64, Entitled "Electrical Permits"; Section 14-65, Entitled "Mechanical Permits"; Section 14-66, Entitled "Annual Facility Permit"; Section 14-67, Entitled "Forty-Year Building Recertification Program"; Section 14-68, Entitled "Occupant Content Sign"; Section 14-70, Entitled "General Information"; Section 14-71, Entitled "Temporary Structure"; To Provide For Express Permits, Phase Permits, Private Provider Fee Discounts, Permit Fee Reductions And Refunds, And To Provide For A More Efficient, Effective, And Transparent Way To Assess Fees For Building Permit Services, And By Amending Corresponding Portions Of Division 2 Of Appendix A Of The City Code, Entitled "Permit Fees," Relating To Building, Plumbing, Electrical, And Mechanical Work, And Other Building Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**

(Sponsored by Commissioner Joy Malakoff)
(Legislative Tracking: Building)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Commissioner Malakoff to approve the ordinance on first reading; seconded by Commissioner Wolfson; Ballot vote: 7-0. **Second reading and Public Hearing scheduled for March 5, 2014. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Mariano Fernandez to handle.**

Stephen Scott, Deputy Building Department Director, stated that they have been looking for a method to simplify the fee structure, and the key changes being proposed involve charging an actual percentage of the cost of construction. The primary change is for commercial permit fees. They are proposing charging 2% of the cost of construction for property values up to \$30 million, and over 30 million they are proposing lowering that to 1%, and are proposing charging for residential permit fees a 1.8% of job value permit fee, and over \$1 million reduce to 1% of the cost of construction. Primarily, the improvement is the simplification of the method in which the fees are calculated. They believe the process is cumbersome as it exists, and this should be an improvement all around. They have also established fees for phase permitting, which is a new initiative, and have provided for discount for those developers that choose to use private providers. They are proposing a 25% or 12.5% discount for private providers in the community. It

is also important to point out that this is based on the best information they could gather from the system to date, and are confident that they will come back next year and look at the revenue of the Department to see where they stand. They will probably ask for an adjustment, but will be constantly monitoring the revenues as they come in to make sure they are not too high or too low.

Vice-Mayor Weithorn asked how they monitor the one percent. She suggested that this be reported to Finance and Citywide Projects Committee. She remembers spending six hours at one time at a Finance and Citywide Projects Committee reviewing this issue, and just does not want the same mistakes to occur.

Mariano Fernandez, Building Department Director, stated the internal monitors that will be implemented and explained that Miami-Dade County uses a minimal standard for construction for square footage, which is adjusted by the County Commission. They use that as their baseline. They feel comfortable that they will have a standardized cost of construction, which will be evaluated. He will be happy to provide an LTC reporting the progress. **Mariano Fernandez to handle.**

Discussion held.

Vice-Mayor Weithorn asked who is using the standard.

Mr. Fernandez explained that it is automatic and computerized.

Commissioner Grieco asked if there is a future date to report if they are operating at a surplus or at a loss.

Mr. Fernandez stated that he would present the report at the next budget meeting, and hopefully with a positive report. **Mariano Fernandez to handle.**

9:35:38 a.m.

SUPPLEMENTAL MATERIAL 1: Ordinance

R5M Resort Tax Ordinance

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 102 Entitled "Taxation," By Amending Article IV Entitled "Resort Tax," By Amending Division 4 Entitled "Tax," By Amending Section 102-314 Entitled "Penalties And Interest," By Amending Subsection (f) Thereof (And Including The Corresponding Amendment To Appendix "A" Thereto), Regarding The Establishment Of A Fixed Late Reporting Penalty For Annual Returns Filed Late, Where No Tax Is Due; Providing For Codification; Repealer; Severability; And An Effective Date. First Reading

(Sponsored by Commissioner Deede Weithorn) (Legislative Tracking: Finance Department)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Mayor Levine; Ballot vote: 6-1; Opposed: Commissioner Tobin. **Second reading and Public Hearing scheduled for March 5, 2014. Rafael E. Granado to notice**. Lilia Cardillo to place on the Commission Agenda when received. **Patricia Walker to handle.**

Patricia Walker, Chief Financial Officer, introduced the item.

Discussion held.

Commissioner Tobin stated that the reason for the high fine on the people with zero balance that did not file was due to the difficulty of auditing for past years. His understanding is that there is an incremental penalty with a cap of \$500. Now there will not be an increment or a cap.

Discussion continued.

Motion made by Vice-Mayor Weithorn to adopt the ordinance; seconded by Mayor Levine; Ballot vote: 6-1; Opposed: Commissioner Tobin.

9:14:58 a.m.

R5N An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Section 2-27, Entitled "Reserved," To Create A 5/7th Vote Requirement For The Creation Of Agencies, Boards And Committees; Providing Exceptions Thereto; And Providing For Repealer, Severability, Codification, And An Effective Date. First Reading

(Sponsored By Vice-Mayor Deede Weithorn) (Legislative Tracking: City Attorney's Office)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Vice-Mayor Weithorn to approve the ordinance on first reading; seconded by Commissioner Malakoff; Ballot vote: 7-0. **Second reading and Public Hearing scheduled for March 5, 2014. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **City Attorney's Office to handle.**

Vice-Mayor Weithorn introduced the item, and explained that as the Commission has decided to go through and clean up board and committees, she has looked back at her six years in office, and has realized that the City Commission has added several new boards and committees, and sometimes it is not unanimous. There is a cost to creating new boards and committees, including staff time and parking passes. Vice-Mayor Weithorn believes that five commissioners out of seven should agree before a new board or committee is formed. If they are going to clean up the board and committee system, this is a logical step.

5:10:14 p.m.

R5O Fire And Police Pension Ordinance

An Ordinance Amending Part I, Subpart B, Article IX, Related Special Acts, Of The Miami Beach City Code Entitled "Pension System For Disability And Retirement Of Members Of Police And Fire Departments"; Implementing Provisions Of The 2012-2015 Collective Bargaining Agreements Between The City And Fire Fighters Of Miami Beach, (IAFF) Local 1510, And Miami Beach Fraternal Order Of Police, William Nichols Lodge No. 8 (FOP); Implementing Recommendations Of The Budget Advisory Committee, A Memorandum Of Understanding And Other Changes; Amending Section 63 Entitled "Source Of Monies For Fund; Computation Of Liability; Use And Investment Of Fund"; "Service Record"; And Amending Section 66 Entitled "Service And Disability Benefits Generally"; Providing For Severability; Repealing All Ordinances In Conflict Therewith; And Providing For An Effective Date. **First Reading**

(Sponsored by Commissioner Deede Weithorn) (Legislative Tracking: Human Resources)

ACTION: Title of the ordinance read into the record. **Ordinance approved on First Reading.** Motion made by Commissioner Wolfson to approve the ordinance on first reading; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent: Vice-Mayor Weithorn. **Second reading and Public Hearing scheduled for March 5, 2014. Rafael E. Granado to notice.** Lilia Cardillo to place on the Commission Agenda when received. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item.

Discussion held.

Mayor Levine thanked the City Administration and the City Attorney's Office for a great job.

R7 - Resolutions

9:16:29 a.m.

SUPPLEMENTAL MATERIAL 1: Revised Memorandum & Resolution

R7A A Resolution Consenting To The Appointment Of Virgilio Fernandez As The Fire Chief And Fire Marshal For The City Of Miami Beach, Florida.

(Human Resources)

(Revised Memorandum & Resolution)

ACTION: Resolution No. 2014-28494 adopted. Motion made by Vice-Mayor Weithorn; seconded by Commissioner Malakoff; Voice vote: 7-0. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, presented Virgil Fernandez, who is currently the Fire Chief and Fire Marshal in the City of Hollywood for the last eight years, and prior to that he had a long career with the City of Miami. He has known Virgil for a long time. He added that his goal is to make the Fire Department one that other cities can emulate years from now, and he believes Virgil is up to that task and up for the challenge.

Mayor Levine welcomed Mr. Fernandez and commended the City Manager for bringing such incredible people to the team.

Virgil Fernandez, in answering Vice-Mayor Weithorn's question, stated that he would start working with the City on February 24, 2014.

Discussion continued.

Jimmy L. Morales, City Manager, clarified that he will also hold the title of Fire Marshall overseeing that division.

Virgil Fernandez thanked everyone for the opportunity; he is very excited and feels humbled.

City Clerk's Note: See correction; Page 721, Item Summary/Recommendation, 4th paragraph, 2nd line, change Hernan D. Cardeno to Virgil Fernandez.

5:04:30 p.m.

A Resolution Authorizing The City Manager To Accept A Settlement, In The Amount Of \$10,000.00, In Full And Final Settlement Of The Late Charges, Totaling \$205,350.00 ("Production Sud Late Charges"), Which Were Found To Be Due And Owing To The City Pursuant To The City's Audit, In Connection With The Management Agreement ("Agreement") Between The City And Production Sud, Inc. ("Production Sud"), Relating To The Antiques And Collectibles Market, For The Period From October 1, 2010 Through May 5, 2013 ("Production Sud Audit").

(Tourism, Culture & Economic Development)

ACTION: Resolution No. 2014-28495 adopted. Motion made by Commissioner Malakoff seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Weithorn. **Max Sklar to handle.**

Commissioner Tobin emphasized that a contract should not be signed.

Jimmy L. Morales, City Manager, introduced the item.

Max Sklar, Tourism and Economic Development Director, explained the item.

Commissioner Tobin requested the Administration to hold off on renewing their contract, since they are working on a Master Plan as to what will be on Lincoln Road, and until they know, there should not be a contract for this type of events until after.

Max Sklar, Tourism and Economic Development Director, stated that there is an approved RFP for the Green Market and the Antique Market. They will be either bringing it to the March or April Commission Meeting for approval.

Commissioner Tobin emphasized that a contract should not be signed.

12:20:35 p.m.

R7C A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 30, 2014 Meeting To Repeal Resolution Nos. 10840 And 2000-24216 And To Sunset The City Of Miami Beach Fine Arts Board Effective September 30, 2014.

(Requested by Commissioner Joy Malakoff) (Legislative Tracking: City Attorney's Office)

ACTION: Resolution No. 2014-28496 adopted. Motion made by Commissioner Malakoff; seconded by Commissioner Grieco; Voice vote: 7-0. **City Attorney's Office to handle.**

12:21:18 p.m.

R7D A Resolution Repealing Resolution No. 2013-28305 And Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its January 30, 2014 Meeting To Sunset The Flooding Task Force Ad Hoc Committee Effective May 31, 2014.

(Requested by Commissioner Joy Malakoff) (Legislative Tracking: City Attorney's Office)

ACTION: Resolution No. 2014-28497 adopted. Motion made by Commissioner Malakoff seconded by Vice-Mayor Weithorn; Voice vote: 7-0. **Rafael E. Granado to handle.**

2:37:30 p.m.

2:56:59 p.m.

A Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting R7E The Findings And Recommendation Of The City Manager In Declaring An Emergency Pursuant To Subsection 287.055(9)(c)(6)(a)(1), Florida Statutes, All As More Specifically Set Forth In This Resolution And The Accompanying Commission Memorandum; And, As Permitted Pursuant To Section 2-367(e) Of The City Code, Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The City Manager To Take The Following Actions To Procure The Necessary Emergency Design And Construction Services, Pursuant To A Negotiated Design-Build Contract For The Remaining Stormwater Pump Stations For 6th Street, 10th Street And 14th Street, With The Firm Of Bergeron Land Development, Inc., The FDOT Contractor For The Alton Road Improvements Project, In The Not To Exceed Amount Of \$11,250,000: 1) Prepare, Whether Through The City's Public Works Department, Or Through Retention Of An Outside Design Criteria Professional, As Determined By The City Manager, A Design Criteria Package (DCP) Which Complies With The Specification Set Forth Under Section 287.055(2)(j), Florida Statues; 2) Upon Completion Of The DCP, Authorizing The City Manager To Negotiate And, If Successful, Execute A Design-Build Contract With Bergeron For The Project; With A Guaranteed Maximum Price (GMP); And Further, If The City Manager Is Successful In Negotiating The Contract, Authorizing The Mayor And City Clerk To Execute The Contract.

(Public Works)

ACTION: Resolution No. 2014-28498 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote: 7-0. **Eric Carpenter to handle.**

Mayor Levine introduced Scott Robins, Chair of the Blue Ribbon Panel on Flooding.

Scott Robins, Chairman of the Blue Ribbon Panel on Flooding Mitigation introduced the other members of the panel: Dr. Dwight Kraai and Dr. Michael Phang. He brought his notes because this is an important issue to the City. He wanted to make sure he got things really right because

he thinks people are going to be listening to what they have to say, because what they have to say matters not just to one but to all. When the Mayor gave him this job of being a "flooding czar" of Miami Beach, he was truly afraid about what he was going to find. His worst fear was that he was going to find that the amount of flooding that they are seeing and that they were experiencing would not get better over time, but would only get worse. For him, that was unimaginable. His fears were exasperated when he noticed that City project after City project was being completed. and from what he could tell the flooding was not getting any better, but worse. When his fellow task force members, Drs. Phang and Kraai asked why this was occurring, the answers that staff actually gave them were comforting because what they told them was that presently design guidelines for flooding were grossly inadequate. What they were building would never holdback the floods and the tide. Staff told him that all the work recently completed and under construction, and all the work that is presently in the pipeline was critically under designed especially considering all they know today, and the level of service this community should expect from their infrastructure. Either the previous Administration knew the work that was being performed included an acceptable amount of flooding of the streets during the highest tides, and even moderate to heavy rainfall, or even worse, they did not take the time to fully understand the problem and were just going through the motions. Surely had they informed the City leaders that what they could expect from such a low level of design standards was continued flooding of the streets, he is sure that the City leaders would never have accepted that as an option. They talk about the idea of what an acceptable level of service means. To him, and to his panel, an acceptable level of service means that not one drop of seawater is ever on the streets, ever. When they have a big rainfall, the water must recede at a normal rate. That is one thing to expect from any well run City. The most important thing that this Commission as City leaders need to do today is to put into motion a new set of quidelines, ones that will achieve the collective goals and put the great City of Miami Beach back on a path towards properly dealing with flooding issues now and well into future. Obviously, this solution does not come without a cost. When one compares the cost of the alternative as ugly as it surely will be, they have no other choice. He is told the cost of meeting the new set of guidelines will be 20 to 30 percent higher than the cost of the guidelines that have been implemented today. This extra 20 to 30 percent in cost will solve the problems not only today, but also into the foreseeable future, and will take into consideration factors like sea level rise and climate changes. Just to get a little technical, because he thinks this is important to understand, presently their recommendation would be that all current drainage projects would require a 2.7-foot NAVD for title boundary conditions, and meet the requirements to handle a 7.5-inch rainfall event during any 24-hour period. They came up with these numbers the following way: they decided and determined what the actual highest tide is that they have seen on Miami Beach today. The highest level ever. They added a 6-inch factor for safety on top of that. Then they added another factor in for anticipated sea level rise in the foreseeable future. The number they arrived at and agreed to is 2.7 feet. By comparison, today, all of the existing storm drainage systems have been designed at a 0.67 level. Two (2) feet difference. Another example, 0.67 feet NAVD, they have already seen tides of 1.1 NAVD. They are designing the systems six inches lower than the most received. Furthermore, they recommend a rainfall event at 7.5 inches for a 24-hour event. To give some comparison, today the design is 6 inches for a 24-hour event. They believe that 7.5 inches for rainfall for a 24 hour period, considering climate change and the fact that they are being told that storms are getting bigger and worse, why not design their system to withstand a bigger storm. On their panel, they have taken the approach that this new level of service shall apply to the entire City, from the north to the south. They should begin the process of upgrading the existing drainage system (that by the way is over 70 years old and never anticipated any sea level rise). This City effort that they are talking about could cost between \$150 and \$200 million. This effort can be completed in perhaps two to five years. They strongly recommend and urge that they begin this project and immediately instruct staff to begin the design and find the money and pay for this citywide effort. Anything less is simply unacceptable and irresponsible. He added that one of his most pleasant surprises are the new staff that they have here at the City, Public Works Director, Eric Carpenter, City Engineer Bruce Mowry, new CIP Director, David Martinez and a bunch of those other people that he cannot even name at this point. He commended the City Manager for hiring a group of people that he feels is up to the task, are excited, engaged and honestly, he never expected to run into this pleasant surprise. He thanked the task force members, Dr. Kraai and Dr. Phang who have put in countless hours. Dr. Kraai has actually put in countless years but they have been unofficial. He cannot say enough about their selfless commitment and what it means to the City, and wants to thank them from the bottom of his heart. This process does not end here. They will all participate along with the rest of the world to begin to deal with the long-term effects of climate change. The one thing he is certain of is that the process begins here and that Miami Beach once again is going to lead the way.

Commissioner Wolfson stated that he had the pleasure and honor of interacting with them, as he is the Chair of the Flooding Mitigation Committee, and the panel the Mayor put together is tremendous. The group that you have is a very good combination of street smart, of education and experience. At the committee meetings they were right on point with a very concise approach to this, and he thinks what they have today is a recommendation for an emergency and enter into an agreement to solve the flooding problem.

Mayor Levine thanked all of them for the time they have invested on this project. He added that he hopes everyone understands that the City cannot thank them enough, because this is a monumental task that requires a lot of concentration. He thanked them on behalf of the City Commission and the City and added that they are lucky to have such assets in the community.

Jimmy L. Morales, City Manager, suggested that they approve item R7F first.

Eric Carpenter, Public Works Director, introduced the item.

2:53:05 p.m.

MOVED FROM CONSENT AGENDA C7K

A Resolution Approving The Recommendation Of The Flooding Mitigation Committee To Amend The Stormwater Management Master Plan (As Adopted By The City Commission On November 14, 2012, Pursuant To Resolution No. 2012-28068), By Modifying The Design Criteria For The Tailwater Elevation From 0.5 FT-NAVD, To 2.7 FT-NAVD For All Tidal Boundary Conditions. (Public Works)

ACTION: Item moved from Consent Agenda C7K. **Resolution 2014-28499 adopted.** Motion made by Commissioner Malakoff; seconded by Commissioner Wolfson; Voice vote: 7-0. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, introduced the item.

Commissioner Wolfson stated that he had the pleasure of interacting with this panel because they have a combination of street smarts, education and experience.

Discussion held.

Commissioner Tobin stated that this could not be happening without the leadership of the Mayor.

City Clerk's Note: Page 383; Amend Stormwater Management Master Plan For All Tidal Boundary Conditions. **(Moved from C7K)**.

3:00:01 p.m.

SUPPLEMENTAL MATERIAL 1: Resolution MOVED FROM CONSENT AGENDA ITEM C7Q

R7G A Resolution Authorizing The City Manager To Implement Any And All Options Including, Without Limitation, Extending The Hours Of Construction Activities Pursuant To The City's Noise Ordinance To Expedite Construction On Florida Department Of Transit (FDOT) Alton Road Improvements From 5th Street To Michigan Avenue (The Project) So That The Project May Be Completed Prior To Its Scheduled Completion Date Of April 2015 And On Or Before December 31, 2014.

(Requested by Mayor Philip Levine)
(Legislative Tracking: City Attorney's Office)

ACTION: Moved from Consent Agenda Item C7Q. **Resolution 2014-28500 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Mayor Levine; Voice vote: 6-0; Absent: Vice-Mayor Weithorn. **Eric Carpenter to handle.**

Mayor Levine explained that this is giving the City Manager the authority to get things done relating to the Alton Road construction project in an expedited way. There are certain things the City Manager is going to need to do, and this will shorten the time to get finished. The Mayor does not want to keep going back to committee or Commission every time the City Manager needs authority to expedite the project.

2:59:40 p.m.

MOVED FROM CONSENT AGENDA ITEM C7R SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7H A Resolution Setting A Public Hearing To Adopt The Third Amendment To The Capital Budget For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

ACTION: Item moved from Consent Agenda C7R. **Resolution 2014-28501 adopted.** Motion made by Commissioner Wolfson; seconded by Commissioner Malakoff; Voice vote: 6-0; Absent: Vice-Mayor Weithorn. Rafael E. Granado to notice. Lilia Cardillo to place on the March 5, 2014 Commission Agenda if received. **John Woodruff to handle.**

4:09:28 p.m.

MOVED FROM CONSENT AGENDA ITEM C7S

SUPPLEMENTAL MATERIAL 1: Memorandum & Resolution

R7I A Resolution Cancelling And Rejecting All Proposals Received Pursuant To Request For Proposals No. 14-11/12 For A Public-Private Development In Miami Beach On North Lincoln Lane, Between Alton Road And Meridian Avenue, Including City-Owned Parking Lot No.25 On 17th Street And Lenox Avenue, Parking Lot No.26 On North Lincoln Lane, Between Lenox Avenue And Michigan Avenue, And Parking Lot No.27 On North Lincoln Lane Between Jefferson Avenue And Meridian Avenue.

(City Manager's Office/Procurement)

ACTION: Item moved from Consent Agenda Item C7S. **Resolution 2014-28502 adopted.** Motion made by Commissioner Wolfson to accept the City Manager's recommendation; seconded by Commissioner Malakoff; Voice vote 6-0; Absent: Vice-Mayor Weithorn. **City Manager's Office and Alex Denis to handle.**

Jimmy L. Morales, City Manager, introduced the item. A year and a half or two, this RFP went out and it has been sitting there for almost two years. The proposals have gotten stale. This land may be used for hotel sites as part of the Convention Center project. The Manager's recommendation is that given the stale nature, and the fact that some of the proponents do not own property anymore, he recommends throwing it out and looking at the master vision for that area.

Commissioner Wolfson thinks the right thing to do is follow through with the Manager's recommendation. When the process started, it appeared that it was not a bad idea to start looking at the Lincoln Lane North and trying to develop it, and maybe provide a different type of retail experience than on Lincoln Road, possibly with local merchants. He thinks, given where they are right now with the Convention Center, it would be nice to let that public land vest in the City's hand. He moved the City's recommendation.

Commissioner Tobin, inquired if there are any other thoughts or ideas as to what to do with those lots and parcels. The Manager explained that the Commission had asked for the Administration to come back with possible hotel sites, these could possibly be sites to consider.

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.

(City Clerk's Office)

ACTION: The following appointments were made:

AD HOC CHARTER REVIEW BOARD:

Sarah Johnston Term ending 05/02/2014 Appointed by Commissioner Weithorn Rick Kendle Term ending 05/02/2014 Appointed by Commissioner Tobin

AD HOC COMMITTEE FLOODING TASK FORCE:

Lior Leser Appointment withdrawn by Commissioner Wolfson

James Raul Term ending 05/31/2014 Appointed by Commissioner Wolfson

AFFORDABLE HOSING ADVISORY COMMITTEE:

Karen Fryd (1) Rep. Essential Services Term ending 12/31/2015 City Commission Appointment TL 12/31/19

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BOARD OF ADJUSTMENT:

Richard Baron At-large Term ending 12/31/2014 City Commission Appointment TL 12/31/19
Barton S. Goldberg Financial Adv. Term ending 12/31/2015 City Commission Appointment TL 12/31/19
Heidi J. Tandy At-large Term ending 12/31/2015 City Commission Appointment TL 12/31/19
City Commission Appointment TL 12/31/19

BUDGET ADVISORY COMMITTEE:

Christopher Pace Term ending 12/31/2014 Appointed by Mayor Levine TL 12/31/21 Brian D. Harris Financial Adv. Term ending 12/31/2014 City Commission Appointment TL 12/31/19

COMMITTEE FOR QUALITY EDUCATION COMMITTEE IN MB:

Karen Rivo Term ending 12/31/2015 Appointed by Commissioner Weithorn TL 12/31/15

COMMITTEE ON THE HOMELESS:

Lior Leser Term ending 12/31/2014 Appointed by Commissioner Wolfson TL 12/31/21 Rachel Zuckerman Tem ending 12/31/2015 Appointed by Commissioner Weithorn TL 12/31/17

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE:

Dorian Nicholson Term ending 12/31/2014 Appointed by Commissioner Weithorn TL 12/31/20

COMMUNITY RELATIONS BOARD:

Jonathan Parker Term ending 12/31/2015 Appointed by Commissioner Wolfson TL 12/31/21

DEBARMENT COMMITTEE:

Darius Asly Term ending 05/02/2015 Appointed by Commissioner Weithorn TL 12/31/17

DESIGN REVIEW BOARD:

Annabel Delgado-Harrington U.S. Reg. Architect
Edgar A. Sarli
John A. Turchin
Term ending 12/31/15
Term ending 12/31/15
Term ending 12/31/14
Term ending 12/31/15

DISABILITY ACCESS COMMITTEE:

John Bennet Appointment shown on the 1/15/2014 After Action not processed. He is term limited. Lief Bertrand Term ending 12/31/2015 Appointed by Commissioner Wolfson TL 12/3/21 Russel Hartstein Term ending 12/31/2015 Appointed by Mayor Levine TL 12/31/19 Appointed by Commissioner Weithorn Term ending 12/31/2015 Dr. Susan Solman TL 12/31/19 Appointed by Mayor Levine Wendy Unger Term ending 12/31/2014 TL 12/31/16

FINE ARTS BOARD:

Tiva Leser Resigned to accept appointment on the Police Citizens Relations Committee

Lizette Lopez Term ending 12/31/2015 Appointed by Commissioner Weithorn TL 12/31/20

GAY, LESBIAN, BISEXUAL, AND TRANSGENDER (GLBT):

Cindy Brown Term ending 12/31/2015 Appointed by Commissioner Wolfson TL 12/31/19
Marivi Iglesias Term ending 12/31/2015 Appointed by Commissioner Weithorn TL 12/31/18

HEALTH ADVISORY COMMITTEE:

Tobi Ash Nursing Prof. Term ending 12/31/2015 City Commission Appointment TL 12/31/15 Dr. Jeremy B. Green Physician Term ending 12/31/2014 City Commission Appointment TL 12/31/19 Dr. Todd M. Narson Term ending 12/31/2015 City Commission Appointment Health Prov. TL 12/31/16 Dr. Daniel D. Nixon Private Individual Term ending 12/31/2015 City Commission Appointment TL 12/31/19

HISPANIC AFFAIRS COMMITTEE:

Patti Hernandez Term ending 12/31/2015 Appointed by Commissioner Weithorn TL 12/31/15 Francis Trullenque Term ending 12/31/2015 Appointed by Commissioner Tobin TL 12/31/15

HISTORIC PRESERVATION BOARD:

Wyn G. Bradley Faculty Term ending 12/31/2015 City Commission Appointment TL 12/31/19
David S. Wieder Attorney Term ending 12/31/2015 City Commission Appointment TL 12/31/15

MARINE AUTHORITY:

Maurice Goodbeer	Term ending 12/3		Appoint	ted by Commissioner Steinberg	TL 12/31/18		
MIAMI BEACH COMMISSION FOR WOMEN:							
Leslie Coller	Term ending 12/3		Annoint	ted by Commissioner Weithorn	TL 12/31/15		
Karen Edelstein	Term ending 12/3			ted by Commissioner Steinberg	TL 12/31/15		
Roberta Gould	Term ending 12/3	1/2015	Appoint	ted by Commissioner Weithorn	TL 12/31/15		
Vanessa Menkes	Term ending 12/3			ted by Commissioner Weithorn	TL 12/31/20		
	T 10/0	1/2013					
Dr. Corey Narson	Term ending 12/3			ted by Commissioner Steinberg	TL 12/31/21		
Michelle Ricci	Term ending 12/3	1/2015	Appoint	ted by Commissioner Tobin	TL 12/31/21		
Tiffany Lapciuc	Term ending 12/3			ted by Mayor Levine	TL 12/31/17		
Tillarly Lapoluc	reim ending 12/3	1/2013	Дрропп	led by Mayor Levine	16 12/31/17		
MIAMI BEACH CULTURAL ARTS COUNCIL:							
Ileana Bravo-Gordon	Term ending 12/3	1/15	City Co	mmission Appointment	TL 12/31/19		
Elliot Richard Alhadeff	Term ending 12/3	1/16	City Co	mmission Appointment	TL 12/31/19		
Charles A. Million	Term ending 12/3			mmission Appointment	TL 12/31/17		
Alan G. Randolph	Term ending 12/3	1/16		mmission Appointment	TL 12/31/19		
Susan W. Schermer	Term ending 12/3	1/16	City Co	mmission Appointment	TL 12/31/19		
	· ·		,				
MIAMI BEACH HUMAN I		1/0045	0:5 - 0 -		TI 40/04/40		
Walker C. Burttshell	Term ending 12/3			mmission Appointment	TL 12/31/16		
Alan B. Fishman Law	Term ending 12/3	1/2015	City Co	mmission Appointment	TL 12/31/16		
Amy L. Rabin	Term ending 12/3			mmission Appointment	TL 12/31/19		
	Term ending 12/3	1/2017					
Andrea Lisa Travaglia	Term ending 12/3			mmission Appointment	TL 12/31/19		
Bradley A. Ugent	Term ending 12/3	1/2015	City Co	mmission Appointment	TL 12/31/18		
William H. Warren Jr.	Term ending 12/3			mmission Appointment	TL 12/31/19		
William Fr. Warren 51.	Term ending 12/5	1/2013	City Co	mmission Appointment	12/31/13		
MIAMI BEACH SISTER (CITIES PROGRAM:						
Carolyn P. Baumel, Bram	pton Canada	Term ending 12/3	31/2015	Appointed by Mayor Levine	TL 12/31/21		
PERSONNEL BOARD:							
I. Ivette Borello	Term end	ding 12/31/2015		City Commission Appointment	TL 12/31/19		
Matthew E. Krieger		ding 12/31/2015		City Commission Appointment	TL 12/31/19		
Rosalie Pincus	Term end	ding 12/31/2015		City Commission Appointment	TL 12/31/15		
		9		, , , , , , , , , , , , , , , , , , , ,			
PLANNING BOARD:							
Randolph S. Gumenick	Gen. Buss.	Term ending 12/3	31/15	City Commission Appointment	TL 12/31/19		
POLICE CITIZENS RELA	ATIONS:						
Nelson Gonzalez	Term end	ding 12/31/2015		Appointed by Commissioner Tobi	n TL 12/31/15		
Tiva Leser	Term end	ding 12/31/2015		Appointed by Commissioner Wolf	son TL 12/31/21		
PRODUCTION INDUSTR				. 44			
		lina 10/01/0015	A n. n. n. i 4	tod by Commission on Maithan	TI 40/04/40		
Belkys Nerey, Production		ding 12/31/2015		ted by Commissioner Weithorn	TL 12/31/18		
Sale Stojanovic, Producti	on Term end	ding 12/31/1014	Appoint	ted by Mayor Levine	TL 12/31/21		
- · · · · ·		-		· -			
SAFETY COMMITTEE:							
Michael Bernstein	Term end	ding 12/31/2014	Annoint	ted by Commissioner Wolfson	TL 12/31/21		
Michael Demistem	Territ end	iiig 12/31/2014	Дрропп	led by Commissioner Wonsom	16 12/31/21		
SUSTAINABILITY COM	MITTEF:						
Debra Leibowitz	Term end	ding 12/31/2014	Appoint	ted by Commissioner Weithorn	TL 12/31/15		
TENNIS ADVISORY COI	MMITTEE:						
Jeffrey Forster		d due to absence					
Jenney Forster	Removed	due to absence					
TRANSPORTATION ANI		ITTEE:					
Deborah Ruggiero	Term end	ding 12/31/2014	Appoint	ted by Commissioner Steinberg	TL 12/31/21		
Madeleine Romanello		MBCC 12/31/14	-				
	- 1						
VISITORS AND CONVENTION AUTHORITY:							
			24/2045	City Commission Annaister and	TI 40/04/40		
Adrian Gonzalez		Term ending 12/		City Commission Appointment	TL 12/31/19		
Stephen G. Hertz	At-large	Term ending 12/3	31/2015	City Commission Appointment	TL 12/31/19		
Daniel N. Hertzberg		Term ending 12/		City Commission Appointment	TL 12/31/19		
Daniel IV. Helizberg	, it large	Tomic Chaing 12/	01/2010	Oity Commission Appointment	16 12/01/10		
		D-	ngo 42				

Tim M. Nardi Hotel industry Term ending 12/31/2015 City Commission Appointment TL 12/31/19

WATERFRONT PROTECTION COMMITTEE:

Cheryl Jacobs Term ending 12/31/14 Appointed by Commissioner Malakoff TL 12/31/21

3:03:41 p.m.

R9A1 Board And Committee Appointments - City Commission/At-Large Appointments. (City Clerk's Office)

ACTION: The following appointments were made:

PLANNING BOARD

Clerk's Note: There is one vacancy on the Planning Board for the General Business position.

The following individuals had been nominated:

Randolph S. Gumenick

Nominated for appointment (General Business Position) by Mayor Philip Levine.

Nominated for appointment by Commissioner Joy Malakoff.

Nominated for appointment by Commissioner Ed Tobin.

Daniel Veitia

Nominated for appointment (vacant General Business Position) by Commissioner Deede Weithorn.

3:10:17 p.m.

BALLOT VOTE:

Randolph S. Gumenick (6 votes)
Daniel Veitia (0 votes)

APPOINTMENT TO THE PLANNING BOARD:

Randolph S. Gumenick (General Business Position)

Handout: Ballots from Commissioners Grieco, Malakoff, Steinberg, Tobin, Wolfson and Mayor Levine. Vice-Mayor Weithorn was absent.

VISITORS AND CONVENTION AUTHORITY

Clerk's Note: There are four vacancies on the Visitors and Convention Authority. Possible combinations are two At-Large positions and two Hotel Industry positions; or three At-Large positions and one Hotel Industry position.

The following individuals had been nominated:

Deborah A. Castillo

Nominated for appointment by Commissioner Micky Steinberg.

Adrian Gonzalez

Nominated for appointment by Mayor Philip Levine.

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Nominated for appointment by Commissioner Micky Steinberg.

Laurence (Larry) A. Herrup

Nominated for appointment by Commissioner Joy Malakoff.

Stephen G. Hertz

Nominated for appointment by Commissioner Micky Steinberg.

Nominated for appointment by Commissioner Ed Tobin.

Nominated for appointment by Commissioner Jonah Wolfson.

Daniel N. Hertzberg

Nominated for appointment by Mayor Philip Levine.

Tim M. Nardi

Nominated for appointment by Mayor Philip Levine.

Nominated for appointment (Hotel Industry Position) by Commissioner Joy Malakoff.

Nominated for appointment (Hotel Industry Position) by Commissioner Micky Steinberg.

Nominated for appointment (Hotel Industry Position) by Commissioner Michael C. Grieco.

Joshua T. Wallack

Nominated for appointment (At-Large Position) by Commissioner Michael C. Grieco.

The Mayor and Commissioners commented on the merits of the nominees.

Discussion was had regarding the surveys conducted by the VCA to measure the effectiveness of their grants in getting visitors into hotels and restaurants.

Discussion was had as to the purpose of the VCA Grants.

Clerk's Note: Mr. Lior Leser was term limited on the Board of Adjustment on 12/31/13, after serving six years. Pursuant to City Code Section 2-22(5)b, members appointed by the City Commission as a whole (referred to as "At-Large appointees") to any agency, board or committee shall serve for no more than six years on any agency, board or committee as an at-large appointee. The member may be reappointed (and serve up to six years) to any At-Large position after a hiatus of two years. As a result, Mr. Leser may not be appointed to the Visitor and Convention Authority, at this time.

3:17:36 p.m.

BALLOT VOTE:

(3 votes)
(4 votes)
(3 votes)
(4 votes)
(5 votes)
(5 votes)
(0 votes)

APPOINTMENTS TO THE VISITORS AND CONVENTION AUTHORITY:

Adrian Gonzalez – At-Large Position. Stephen G. Hertz – At-Large Position.

Daniel N. Hertzberg – At-Large Position.

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Tim M. Nardi – Hotel Industry Position.

Handout: Ballots from Commissioners Grieco, Malakoff, Steinberg, Tobin, Wolfson and Mayor Levine. Vice-Mayor Weithorn was absent.

DESIGN REVIEW BOARD

Clerk's Note: There are five vacancies on the Design Review Board. The vacancies are in the following positions: One At-Large; two U.S. registered architects, one landscape architect; and one individual in any of the following categories: architect registered in Florida; a member of faculty of school of architecture, urban planning or urban design in the State or a professional practicing in the fields of architectural design or urban planning.

Mayor Levine stated that he nominated Annabel Delgado-Harrington, and stated that they are lucky to get an architect of her caliber willing to serve.

MOTION No. 1 - U.S. Registered Architect

Motion by Commissioner Grieco to appoint Annabel Delgado-Harrington to the U.S. Registered Architect position; seconded by Commissioner Wolfson. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

MOTION No. 2 – Faculty Position

Motion by Commissioner Malakoff to appoint Edgar A. Sarli to the Faculty Position; seconded by Commissioner Grieco. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

At-Large Position – The following individuals had been nominated for the At-Large Position:

Joseph R. Furst

Nominated for appointment (At-Large Position) by Mayor Philip Levine.

Clotilde L. Luce

Nominated for appointment by Commissioner Steinberg.

Manuel (Mickey) Minagorri

Nominated for re-appointment (At-Large Seat) by Commissioner Ed Tobin.

Nominated for re-appointment (At-Large Seat) by Commissioner Deede Weithorn.

John A. Turchin

Nominated for appointment by Commissioner Ed Tobin.

3:29 p.m.

BALLOT VOTE (At-Large Position):

Joseph R. Furst	(1 votes)
Clotilde L. Luce	(0 votes)
Manuel (Mickey) Minagorri	(2 votes)
John A. Turchin	(3 votes)

No candidate received the required four votes on the first ballot. Commissioner Malakoff agreed that she would transfer her vote to Mr. Furst.

MOTION No. 3:

Motion by Commissioner Wolfson to appoint John A. Turchin to the At-Large Position; seconded by Mayor Levine. Voice vote: 5-1; Commissioner Steinberg voted against. (Vice-Mayor Weithorn absent).

Handout: Ballots from Commissioners Grieco, Malakoff, Steinberg, Tobin and Wolfson and Mayor Levine. Vice-Mayor Weithorn was absent.

APPOINTMENTS TO THE DESIGN REVIEW BOARD:

Annabel Delgado-Harrington – U.S. Registered Architect position Edgar A. Sarli – Faculty Position John A. Turchin – At-Large Position

HEALTH ADVISORY COMMITTEE

Clerk's Note: There are seven vacancies in the Health Advisory Committee.

The following individuals had been nominated:

Dr. Jeremy B. Green

Nominated for appointment by Mayor Philip Levine.

Dr. Daniel D. Nixon

Nominated for appointment by Commissioner Joy Malakoff.

Dr. Todd M. Narson

Nominated for reappointment (Health Provider Position) by Commissioner Michael C. Grieco.

MOTION No. 1:

Motion by Commissioner Grieco to appoint Dr. Jeremy B. Green, Dr. Daniel D. Nixon and Dr. Todd M. Narson to the Health Advisory Committee; seconded by Commissioner Wolfson. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

MOTION No. 2:

Motion by Commissioner Steinberg to reappoint Tobi Ash (Nursing Profession) to the Health Advisory Committee; seconded by Mayor Levine. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

APPOINTMENTS TO THE HEALTH ADVISORY COMMITTEE:

Dr. Jeremy B. Green - Physician or Medical Training Professional

Dr. Daniel D. Nixon - Private Individual

Dr. Todd M. Narson – Health Provider (Reappointment)

Tobi Ash - Nursing Profession (Reappointment)

Commissioner Tobin requested to charge the Health Advisory Committee with a task, and give them something that needs to be done in the City, for instance vaccination in the event of an emergency. Provide them with an Emergency Management Task. Mayor Levine stated that it was a good idea. **Charles Tear to handle.**

HISTORIC PRESERVATION BOARD

Clerk's Note: There are three (3) vacancies on the Historic Preservation Board, comprised of the following positions: One faculty member, one registered architect; and one individual in any of

the following categories: architect registered in the U.S., a landscape architect registered in Florida, a professional practicing in the fields of architectural or urban design or urban planning, or an attorney at law licensed to practice in the U.S., or an engineer licensed in Florida, with experience and interest in historic preservation.

Clerk's Note: Mayor Levine announced that Matthew E. Krieger was no longer interested in being nominated to the Historic Preservation Board.

MOTION No. 1 – Faculty Position

Motion by Commissioner Wolfson to appoint Wyn G. Bradley to the Faculty Position; seconded by Commissioner Grieco. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

MOTION No. 2 – Attorney Position

Motion by Commissioner Steinberg to reappoint David S. Wieder to the Attorney Position; seconded by Mayor Levine. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

APPOINTMENTS TO THE HISTORIC PRESERVATION BOARD:

David S. Wieder – Attorney Position (Reappointment) Wyn G. Bradley – Faculty Position

MIAMI BEACH CULTURAL ARTS COUNCIL

Clerk's Note: There are five vacancies in the Miami Beach Cultural Arts Council.

MOTION No. 1

Motion made by Commissioner Grieco to appoint Ileana Bravo-Gordon, Elliot Richard Alhadeff, Charles A. Million, Alan G. Randolph and Susan W. Schermer to the Miami Beach Cultural Arts Council; seconded by Commissioner Wolfson. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

APPOINTMENTS TO THE MIAMI BEACH CULTURAL ARTS COUNCIL:

Ileana Bravo-Gordon Elliot Richard Alhadeff Charles A. Million (Reappointment) Alan G. Randolph Susan W. Schermer

BOARD OF ADJUSTMENT

Clerk's Note: There are three vacancies on the Board of Adjustment, comprised of the following positions: Two At-Large appointments, and one individual from any of the following categories: architecture, engineer and financial consultant. This item requires 5/7th vote.

The following individuals had been nominated:

Mark Alhadeff

Nominated for appointment by Commissioner Deede Weithorn.

Richard Baron

Nominated for appointment by Commissioner Michael C. Grieco. (Release 2 – Page 21) Nominated for appointment (At-Large Position) by Commissioner Joy Malakoff. Nominated for appointment by Commissioner Deede Weithorn.

Jeffrey M. Cohen

Nominated for appointment by Commissioner Micky Steinberg.

Barton S. Goldberg

Nominated for appointment by Mayor Philip Levine.

Nominated for appointment by Commissioner Joy Malakoff.

Heidi H. Tandy

Nominated for appointment (At-Large Position) by Commissioner Joy Malakoff.

3:45:00 p.m.

BALLOT VOTE:

Mark Alhadeff (2 votes)
Richard Baron (5 votes)
Jeffrey M. Cohen (1 vote)
Barton S. Goldberg (5 votes)
Heidi H. Tandy (4 votes)

In the first round, appointed are Richard Baron in the At-Large Position and Barton S. Goldberg in the Financial Consultant Position.

Based on the votes, Commissioner Grieco announced that he would change his At-Large vote for Mr. Alhadeff, and transfer it to Ms. Tandy. Final vote is:

Mark Alhadeff (1 vote)
Richard Baron (5 votes)
Jeffrey M. Cohen (1 vote)
Barton S. Goldberg (5 votes)
Heidi H. Tandy (5 votes)

APPOINTMENTS TO THE BOARD OF ADJUSTMENT:

Richard Baron - At-Large

Barton S. Goldberg – Financial Advisor

Heidi H. Tandy – At-Large

BUDGET ADVISORY COMMITTEE

Clerk's Note: There is one vacancy in the Budget Advisory Committee for the Financial Advisor Position.

MOTION No. 1 – Financial Advisory Position

Motion by Commissioner Malakoff to appoint Brian D. Harris to the Financial Advisor Position in the Budget Advisory Committee; seconded by Mayor Levine. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

APPOINTMENT TO THE BUDGET ADVISORY COMMITTEE:

Brian D. Harris - Financial Advisor Position

PERSONNEL BOARD

Clerk's Note: There are three vacancies in the Personnel Board. This item requires 5/7th vote.

The following individuals had been nominated:

Laurie Kaye Davis

Nominated for reappointment by Commissioner Ed Tobin.

I. Ivette Borrello

Nominated for appointment by Commissioner Jonah Wolfson.

Matthew E. Krieger

Nominated for appointment by Mayor Philip Levine.

Rosalie Pincus

Nominated for reappointment by Commissioner Deede Weithorn.

Nancy M. Wolcott

Nominated for appointment by Commissioner Joy Malakoff.

The Mayor and Commissioners commented on the merits of the nominees.

3:53:10 p.m.

BALLOT VOTE:

Laurie Kaye Davis (3 votes)
I. Ivette Borrello (5 votes)
Matthew E. Krieger (4 votes)
Rosalie Pincus (5 votes)
Nancy M. Wolcott (1 vote)

In the first round, appointed are Ivette Borrello and Rosalie Pincus.

Based on the votes, Commissioner Wolfson announced that he would change his vote, in the interest of economy, as Ms. Davis has not obtained four votes, and will transfer the vote to Mr. Krieger. Final vote is:

Laurie Kaye Davis (2 votes)
I. Ivette Borrello (5 votes)
Matthew E. Krieger (5 votes)
Rosalie Pincus (5 votes)
Nancy M. Wolcott (1 vote)

APPOINTED TO THE PERSONNEL BOARD:

I. Ivette Borrello Matthew E. Krieger

Rosalie Pincus (Reappointed)

Commissioner Tobin inquired of Sylvia Crespo-Tabak, Human Resources Director, if the Personnel Rules had just been rewritten. Ms. Crespo-Tabak responded that they are in the process of reviewing and revising the Personnel Rules.

AFFORDABLE HOUSING ADVISORY COMMITTEE

Clerk's Note: There are seven vacancies in the Affordable Housing Advisory Committee.

Commissioner Malakoff announced that Dr. William Zubkoff was no longer interested in being nominated to the Affordable Housing Advisory Community.

MOTION No. 1:

Motion by Commissioner Malakoff to appoint Karen E. Fryd to the Affordable Housing Committee; seconded by Commissioner Grieco. Voice vote: 6-0 (Vice-Mayor Weithorn absent).

APPOINTED TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE:

Karen E. Fryd

MIAMI BEACH HUMAN RIGHTS COMMITTEE

Clerk's Note: There are six vacancies in the Miami Beach Human Rights Committee.

Mayor Levine announced that there were six vacancies and six nominees.

The following individuals had been nominated:

Walker C. Burttschell

Nominated for reappointment by Commissioner Deede Weithorn.

Alan B. Fishman

Nominated for reappointment (Attorney Position) by Commissioner Deede Weithorn.

Amy L. Rabin

Nominated for appointment by Commissioner Joy Malakoff.

Nominated for appointment by Commissioner Micky Steinberg.

Andrea Lisa Travaglia

Nominated for reappointment by Commissioner Michael C. Grieco.

Bradley A. Ugent

Nominated for reappointment by Commissioner Deede Weithorn.

William H. Warren, Jr.

Nominated for appointment by Commissioner Deede Weithorn.

MOTION No. 1:

Motion by Commissioner Wolfson to appoint all nominees to the Miami Beach Human Rights Committee by acclamation; seconded by Commissioner Grieco. Voice vote: 6-0 (Vice-Mayor Weithorn was absent).

APPOINTMENTS TO THE MIAMI BEACH HUMAN RIGHTS COMMITTEE:

Walker C. Burttschell (Reappointment)

Alan B. Fishman – Attorney Position (Reappointment)

Amy L. Rabin

Andrea Lisa Travaglia

Bradley A. Ugent (Reappointment)

William H. Warren, Jr. (Reappointment)

3:57:43 p.m.

R9A2 Nomination Of Henry Stolar For The Noise Working Group.
(Requested by Commissioner Edward L. Tobin)
(Deferred on January 15, 2014)

ACTION: Motion made by Commissioner Grieco to abolish the Noise Working Group; seconded by Mayor Levine; Voice vote: 6-0; Absent Vice-Mayor Weithorn **Joe Jimenez and City Attorney's Office to handle. Resolution 2014-28503 adopted.**

Rafael E. Granado, City Clerk, explained that the reason this item was placed on the Agenda is that at the last Commission Meeting it was requested that the item be brought back.

Joe Jimenez, Assistant City Manager, explained that the recommendation was for the Noise Working Group to be officially abolished. He explained that four noise-related items need adjustment, and they will have four individual meetings to resolve. The Office of the City Attorney opined that since the Noise Working Group was created by resolution, they do not have the flexibility to bring other people on board. It needs a more balanced approach, and that is the reason the Administration recommends abolishing the Noise Working Group. They will continue to do the same thing they were planning to do by holding town hall meetings. He will bring back the final recommendation in four months, and the City Attorney will bring forth the amended resolution. Joe Jimenez and City Attorney's Office to handle.

Jose Smith, City Attorney, agreed that it would be done more efficiently that way.

Motion made by Commissioner Grieco to abolish the Noise Working Group, which was previously created by resolution; seconded by Mayor Levine; Voice vote 6-0.

Handout or Reference Materials:

 Email from Henry Stolar dated January 27, 2014 RE: Noise Working Group – Nomination of Henry Stolar.

8:33:10 a.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (8:30 a.m.)

ACTION:

- 1. Stanley Shapiro stated that the South Beach shuttle is a public disgrace. He stated that all members of the board should resign and give the new Commission an opportunity to appoint, as they do not represent the community anymore as it is shown by the support of 42 Star Island, which was a public disgrace. He stated that Elizabeth Bloom was nominated for the Federal Bench, and he asked the Commission and staff to write a letter to Senators Marco Rubio and Bill Nelson supporting the nominations. He stated that jaywalking is a major problem; and that cell use by City employees is a problem. He asked the City Manager to institute a request from the employees that all calls be returned within 48 hours; they need to be more responsive to the public.
- 2. Elizabeth Herman is an active participant in the tennis community and is in support of the Jim Bollettieri management. (See item R9D.) She thanked the City for redoing the tennis courts

- and the facilities. They have great tennis courts and beautiful surroundings. Under the leadership of Bollettieri and their team, they have established a solid tennis reputation in South Beach.
- 3. Marc Turkelson stated that when unethical or unsavory things happened in South Beach, his dad would tell him "good old South Beach, son"; but he thinks it is time to revert the poor perception of South Beach with the idea that this is the image of an All American City. He spoke in favor of the Bollettieri management team at Flamingo Tennis Center. (See item R9D).
- 4. Kenneth Beresky found out about the disbanding of some of the committees and explained that he is not as worried now that he found out that the Bicycle Committee is merging with the Transportation Committee, but he wants to emphasize how important it is to have adequate representation of bicycles and pedestrians on that Committee. There are many problems in the City pertaining to life safety issues from bike riders and pedestrians. Part of the problem is lack of education and little to no respect for cyclists in the City. This is a major problem. Carbon fiber bicycles do not trigger traffic lights, forcing them not to follow standard traffic rules. The system is broken, and he wants to emphasize the need for the transportation and Parking Committee, which now contains the Bicycle Committee, has adequate representation of bicyclist and pedestrians.

Vice-Mayor Weithorn agreed with Mr. Beresky regarding the bicyclists' safety issues.

5. Tammy Tibbles is here representing the Alton Road Construction Coalition, herself and the Flamingo Park Neighborhood Association. In regards to Alton Road, she found out on Monday that FDOT (Florida Department of Transportation), despite what they informed the Commission about addressing the medians and move forward with sidewalk design decisions, they already have designed the sidewalks and where the fixtures would be placed. She found out that there would be overhead cobra lights about nine-foot mark from the curb. The City negotiated that all street and sidewalk fixtures would be within the first three feet of the sidewalk from the curb, to allow the largest corridor available for pedestrians and café sitting, but now they have put these overhead cobra lights along the sidewalk and these are not the right solution. She asked where the pedestrian lights would be and she was told the only pedestrian lights would be placed in the blocks between 16th and 17th Street. They are trying to make a pedestrian friendly, commercial corridor, and there will be no pedestrian street lighting. It is time to revisit the process, get FDOT back in front of the Commission, and start making decisions as a community, and not as people that are used to design for the State. On a personal topic, she explained that if they want a vision for Alton Road, they cannot only think about the road itself, but also about the buildings along the road and the development that they want to see within the means of the City street. They need to ask what sort of businesses and types of buildings they want to see there and what is the parking situation. Regarding Item R5C Alton Road Buffer Overlay District proposed, she thinks it is the wrong plan for Alton Road. This item is a mediation effort to solve a dispute between a handful of property owners that are abutting each other, and that is not a way that zoning should happen. She urged not to move this item along, but instead come up with a plan, delay the overlay district and really institute a plan to fix the City's main street. Lastly, she spoke in regards to the Flamingo Park. The Flamingo Park Neighborhood Association sent an email to the City Commission about the property maintenance facility in the park that needs to be moved. The City spent \$13 million on a parking garage for about 100 vehicles for the property maintenance facility to move over to Bay Road. At the last March Commission, the

Commission reaffirmed their decisions to move these vehicles, and to date, the vehicles are still there. She asked that the Commission identify this in an expeditious timeline.

6. Valerie Navarrette showed photographs and spoke about the skate park, which she believes the City should have more than one. She complained of traffic blocking streets due to construction on 10th, 11th and 15th Streets and Alton Road, in West Avenue and Lincoln Road and resulting traffic delays. She suggested blocking the street in the beginning of the road instead of the end, as the buses could not maneuver to get in the middle of a block and stay in the middle of the street creating congestion. She also complained about jaywalking. She understands that Planning is not in favor of having off parking space in new constructions and want people to use buses and bicycles, but she believes that all new construction should have enough parking spaces, which will save driving around looking for a parking.

Handouts and Reference Materials: Copies of photographs

- 7. Susan Rosendall introduced herself as a combat and an Army veteran and spoke about improved living accommodations for computer programmers to come to Miami Beach.
- 8. Gil Zriny stated that his neighbors love the efficiency of this new Commission and complimented the entire Commission for their efforts. He spoke regarding tennis and in support of Bollettieri. (See item R9D.)

1:09:25 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (1:00 p.m.)

ACTION: The following individuals spoke:

- 1. Sonia Navarro wished everyone a Happy Valentine's Day. She stated that 37 years ago today she brought her daughter into the world. Her daughter always tells her to look at the positive things in life, and today she will tell the City Commission what she finds positive about the City. She congratulated the team of the City Clerk Department. For 35 years, they have given the residents outstanding service, a terrific combination of courtesy, efficiency, and a friendly environment, yet still showing that they are seriously taking care of the constituents' issues. If that combination, Mayor Levine, is passed on to the rest of City Hall, it will minimize complaints. She thanked them for their service to the residents, and added that fairness is the key for best relationships. She stated that the City has many seniors that are not up with technology, and that is why she makes telephone calls to complain; otherwise, nothing is done. She asks for the City's laws to be enforced. Scooter drivers are running without any enforcement on the law on a daily basis and trucks keep parking in the middle of the streets. She asked for compliance enforcement and asked Mayor Levine to take action.
- 2. Alberto Machado is a U.S. citizen and has lived in Miami Beach for 47 years. He has been complaining for two years about the same issue with the bus drivers.
 - Mayor Levine informed Mr. Machado that a letter has been drafted by the Mayor's Office and will be given to him, and they are contacting the bus driver directly.

Mr. Machado asked Mayor Levine to assist in having Victor Pulido accompany him, and Mayor Levine agreed. He added that he is concerned about the Columbus Statue in Bayside that has overgrown bushes with thorns around it.

3. Ronald Starkman, representing the South Fifth Neighborhood Association, stated that at the December Commission Meeting, on the item of the median around South Pointe Drive, Commissioner Weithorn made a motion to refer to the Finance and Citywide Projects Committee the issue of funding to redesign the median on Washington at the entrance of the park, and also refer to any other committees if needed. He noticed the item was not in the Finance agenda for January and asked for a status update.

Vice-Mayor Weithorn explained that it is a possibility that staff had not gathered the data, but asked him to work with her and find out. She will add this to her list and make sure that it is heard at the next meeting. **Patricia Walker to place in the committee agenda.**

Jimmy L. Morales, City Manager, explained that one of the problems is that they had to fire the contractor, and he was unable to finish the work. They are in the process of finding a new contractor, and that is probably why they do not have numbers yet.

Ronald Starkman stated that this is not part of the existing contract.

Vice-Mayor Weithorn added that it is an opportunity to add it to a change order to the existing contractor, so it may in fact be held up because that might be a more efficient way to do it.

Mr. Starkman commended the Commission for how quickly they manage to get the Alton Road trolley up and running. He hopes that they consider adding a route to the South of Fifth area, as they have a lot of customers and neighbors that visit those businesses on the Road and use the trolley and increase commerce. The Segway issue has come up in discussions with our association and he encouraged them when the item comes up to refer to committee. Lastly, he announced that there is a 511-traffic app, which is a website offered by FDOT to get traffic times in the Miami area. It is called "time of travel" and what they do is put sensors on the road to measure how long it takes to get to the destination. He raised this to the FDOT people two months ago during reconstruction and they are still looking at it; they think it is also a good idea but is something that the City will have to push to manage the traffic.

Mayor Levine stated that this is a good tool to have, the City should have this, and they will influence FDOT. **Eric Carpenter to handle.**

- 4. Joe Manning added that the South Beach local would be much better if it did not go to Belle Isle. She thanked Vice-Mayor Weithorn for having the courage to vote the way she did this morning; single-family homeowners will remember and appreciate it.
- 5. Daniel Ciraldo, on behalf of Miami Dade Preservation League, thanked all who voted on the oversize homes ordinances. He explained that now that the lot coverage is flat, he would urge the Planning Board and or Land Use and Development Committee to look into how to account for the larger size lots to have the unit sizes that is appropriate, perhaps something like Coral Gables has. It would be meaningful to many homeowners to have the Land Use or Planning Boards investigate the unit size scale, as there is a new rush of homes that use 50% no matter the size of the lot. There is still uncertainty on unit size and this will meet everyone's objective. He requested to see if someone would make a referral on that today.

Discussion held.

Commissioner Malakoff explained that she is not familiar with Coral Gables unit size scale, but knows that they do not have the floodplain that Miami Beach has, as they are higher up.

Mr. Ciraldo clarified that he is referring to larger lots having some scale down so they can have a 75,000 square foot lot at 50%.

Commissioner Malakoff added that there is another ordinance travelling through Planning regarding accessory buildings on single families.

REFERRAL TO LAND USE & DEVELOPMENT COMMITTEE

Commissioner Malakoff made a motion to refer the issue of unit size scale to the Land Use and Development Committee, pending input from the Planning Department; seconded by Vice-Mayor Weithorn; Voice vote 7-0. **Thomas Mooney to place on the committee agenda and to handle.**

- 6. Lori Nieder, member of the Parks and Recreation Committee, spoke on behalf of the children that are unable to speak at this hearing and as a parent. She stated that for tennis the City gives up control of its recreational programming unlike any other activity. It is just basically handed to a contractor, but the parents need reassurance that the children's best interests are taken into consideration. The proposed contractor has a committed give back built in for scholarships, yet whoever wins this bid will control the entire City owned tennis courts. She is asking the Commission to think about requiring kids school programming, which is not part of the RFP, and is not very transparent, it is just a number and she is asking to start all over again.
- 7. Ivette Borello, lower North Bay Road, thanked the City Commission for their support in establishing a police officer in a more permanent basis. This has controlled the volume of traffic and has helped tremendously. She urged that they continue with the police presence in this area until the Alton Road construction is finished.

Jimmy L. Morales, City Manager, responded on the issue of the trolley on Alton Road and trying to extend that, to 1) any extension affects the headway so they would need two additional trolleys, and 2) the reason it was done so quickly without a competitive process is that they are providing a maintenance of traffic alternative to the project. Once they begin to go into areas that are not construction impacted, it changes.

R9C Update On The Miami Beach Convention Center Project. (City Manager's Office)

ACTION: Update given. See action with R2A.

1:31:09 p.m. 4:00:28 p.m.

R9D Discussion Regarding The Selection Of The Management Contract For The Tennis Facilities At North Shore Park And Flamingo Park.

(Requested by Commissioner Edward L. Tobin) (Deferred from January 15, 2014)

Vice-Mayor Weithorn recused herself.

ACTION: Discussion held. Motion made by Commissioner Wolfson that this is a motion of sentiment that the City Commission would like to award the contract to the Howie Orlin Group, but that there has been no official action taken, and that this Commission is waiting for the City Manager to go through all the proper procedural processes and place this item on the next Commission Agenda, where upon they will make a final decision; Voice-vote: 6-0; Absent: Vice-Mayor Weithorn. Lilia Cardillo to place on the Commission Agenda. **John Rebar to handle.**

ADMINISTRATION TO DO:

Contract to include children programming and clinic for the elderly, and the item is to be brought back to the City Commission for approval.

Motion No. 3:

Motion made by Commissioner Grieco to waive competitive bidding and award the contract to Howie Orlin Group, Miami Beach Tennis Management, Inc., seconded by Commissioner Wolfson; 5-1; Opposed: Commissioner Wolfson; Absent: Vice-Mayor Weithorn. Motion carries.

Amendment to Motion 3 and FINAL MOTION:

Motion made by Commissioner Wolfson to clarify the previous motion to specifically set forth that the motion was a motion of sentiment that the City Commission would like to award the contract to the Howie Orlin Group, but that there was no official action, and that they are awaiting for the City Manager to go through all the proper procedural processes and place this item on the next Commission Agenda, where upon they will make a final decision. The prior motion (No. 3) was not a binding motion; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Vice-Mayor Weithorn.

Mayor Levine introduced the item.

Jose Smith, City Attorney, stated that it would be appropriate for Commissioner Tobin to explain what he is trying to accomplish by means of the memorandum.

Commissioner Tobin explained that in December, he received phone calls regarding extension of the tennis center contract, and at the time, the City Commission had voted for a month-to-month renewal agreement with Bolletieri. At the selection committee, some residents came and asked the Commission not to go by the ranking of the selection but to give the preference to the Bolletieri group. In January 9, 2014 he submitted a request to place on the January 15 Commission Agenda a discussion an action regarding the selection of the management contract for the tennis facilities at North Shore and Flamingo Park; the discussion and action to include status and significance of the old RFP following the September 2013 Commission Meeting; the second thing was the present status of the tennis management contract, and the third thing was the City Commission's options available for selection of a long term management contract for these facilities. It was on the agenda and then he received phone calls that there was not enough time for folks to get their petitions together and get their clappers together, and so this item was

reset for a month to allow both parties to collect their petitions for this meeting.

Wayne Pathman, Esq., on behalf of the Bolletieri Group, explained that as Commissioner Tobin stated, there was a Commission hearing last year, and at that hearing, the Commission threw out all of the bids and gave direction to the City Manager at that time to enter into negotiations to continue on a month-to-month with the Bolletieri, and also instructed the City Manager, and he quoted from the resolution, that the Greensquare contract be extended month to month, and that the City without causing means upon written notice further authorize the City Manager to report back to the Commission with a recommendation. He pointed that out because to his knowledge that has not been done. He also wished to point out procedurally, that while he knows that this Commission will hear from many people from both sides about who is the potential right operator and who should continue to run the tennis facility, he thinks that it is important that this Commission understand that this is not about what firm has the best or which is the best option from which firm, instead it should be about following the government and public process for goods and services. In the City Code, it requires that the City warn notice correctly if an item is going to be voted on or action taken; this was not done here as it was listed as a discussion item on today's agenda, and therefore procedurally he does not believe that it is properly before this Commission for purposes of taking a vote but you may discuss it. Secondly, under this City's Bill Of Rights and this Charter, it requires that notice of the hearing be properly given. Secondly and most importantly under Section 2-367 (e), if there is the wish to waive competitive bidding, this has to be done upon a written recommendation of the City Manager, and it may be done by resolution by 5/7 vote if in the best interest of the public. The public is very divided. There is no City Manager's recommendation before this Commission that has been properly published; and it has not been published since the last Commission Meeting took action on this issue. Procedurally and legally, he does not think that today this Commission can take action. He had submitted late afternoon yesterday a letter to the Mayor and each Commissioner with the attached law from the Bill Of Rights and from the City Code.

The following individuals spoke:

David Custin

Ronnie Seikelv

Howie Orlin

Paul Lehr

Sean Flannery

James Bolletieri

Chris Gerlwald

Mark Fischer

Bruce Terkell

Terri Jonas

Tigan Eve

Stanley Shapiro

Gregg Breunich

Jonathan Groff

Jose Smith, City Attorney, addressed Mr. Pathman's comments. When he received his letter last night, he researched the issues raised, and after reviewing all the applicable law, his conclusion is that the issue is properly before this Commission as to what options are available as Commissioner Tobin expressed in his memorandum; it is not only a discussion item but it is also an action item, and he asked that the Administration and Legal provide all the different options available to Mr. Pathman at today's Meeting. Based on his research he finds that there is no

violation of the Charter, he finds that there is no Sunshine law issue, there is no notice issue, and he is happy to share his research with Mr. Pathman if he would like to read it at some point. He asked Raul Aguila, Chief Deputy City Attorney, to address the issue of Procurement and give his thoughts and what can and cannot be done from a Procurement perspective.

Raul Aguila, Chief Deputy City Attorney, stated that they believe that the item is properly before this Commission today and that they can take action. Right now, this is where they stand. A prior RFP was issued by prior action of the City Commission on September 11th, 2013, was rejected and thrown out. The actions before this Commission are as follows: 1) call for the issuance of a new request for proposals, 2) waive competitive bidding, and as Mr. Pathman said the Procurement Code in order to do that requires that it be by a 5/7th vote upon a finding that it is in the best interest of the City and with the recommendation of the City Manager. He also pointed out that the Greensquare contract is currently on a month-to-month basis and terminable for convenience, without cause by the City Commission.

Discussion held.

Jimmy L. Morales, City Manager, stated that there were comments made about what has happened since September, and he wants to make it clear that immediately after the vote was taken, they reached out to the Bollettieri team, entered into a Letter Of Agreement, as per the direction of the City Commission, did a month to month extension, and in that extension they addressed a couple of issues that had come up during hearings. They raised the minimum maintenance requirements into it and they have been complying with those. This would go month to month until such time as a new award was done and executed. The direction given in September was to come back to the Neighborhood/Community Affairs Committee with a discussion about maintenance and with recommendations. There was no committee meeting in November or December and was going to be heard in January. Obviously when the old bid was thrown out, as City Manager it would not be appropriate for him to say reinstate an old bid, so they were coming forward to have a discussion with the City Commission at the next meeting, on whether the RFP goes out again, terms of RFP, maintenance whether it be part of it or not, and any other recommendation. The recommendation was going to be and would be in the absence of no procurement at this point would have been to pursue a new competitive process. His recommendation would be that they go out to a new procurement based on the direction that he is given. He stands by the old process, although he inherited; he looked carefully at the presentations, and there was a committee that has clear results; Mr. Rebar is here and he is familiar with the process. They believe it was a fair process. In terms of performance, it has been much better; there have been some continuing issues with availability of courts for residents as opposed to lessons and they have interacted with Bolletieri and brought issues to them. His recommendation at this point under the circumstances would be to go forward.

Commissioner Wolfson stated that the section of the Code that he thinks is important and Mr. Pathman cited, is that the City Commission upon written recommendation of the City Manager made by resolution adopted by 5/7th vote of the City Commission waive competitive bidding, and asked if the City Manager giving a written recommendation to waive competitive bidding today?

Mr. Morales answered that if the City Commission wants to reinstate the previous Procurement, then Legal will lay out a process and he will stand by that recommendation, but to waive competitive procurement usually requires unusual circumstances that are not present at this point.

Discussion continued.

Raul Aguila, Chief Deputy City Attorney, agrees that in order to waive competitive bidding the City has to have a recommendation of the City Manager, but he does not think the City Commission is bound by that recommendation; therefore, the City Manager necessarily has to make a recommendation in the affirmative. That decision ultimately rests with the City Commission.

Discussion continued.

Mr. Aguila added that if the City wants to avoid any kind of challenge based on notice, that there was no written recommendation and; therefore, allegedly it is not properly before this body, then the City Commission could put an item on the next Agenda, waving competitive bidding and at that point, the City Manager will have given whatever recommendation that he is going to give with regard to that.

Commissioner Grieco had to do some of his own independent research and he talked to a lot of people on this and he thinks that the fairest thing to do is to put out a new RFP.

Motion No. 1:

Motion made by Commissioner Grieco to put out a new RFP identical to the previous RFP that went out for the management contract of North Shore and Flamingo Parks; seconded by Commissioner Wolfson.

Discussion continued.

Commissioner Steinberg stated that she would support this motion, but asked if there will be an opportunity to tweak the RFP.

Commissioner Tobin stated that his focus was not on the money, but the fact that the City sets the rate and it was a very low rate. When he looked at this, and for years, he was wondering why the Bollettieri Group showed no profit year after year, and one of two things were happening; either they do not know how to run the facility, and that is a programming issue, because if they set the rate at low, and no revenue is coming in, that means that there is no programming. He always wondered, if this a cash business, where is the money, it is not going into the City's pocket; or, is this a matter of not being able to run the facility properly? What he is hearing is that they do a great job of running the facility and so his question is where is the money going? However, the money and whatever contract they signed will have a robust commitment to the children. They will certainly make sure that there is as robust programming, whoever does the tenant facility.

Discussion continued.

A roll call vote was taken to put it out to competitive bid; 3-4: Opposed. Mayor Levine; and Commissioners Grieco and Tobin. Motion failed.

Motion No. 2:

Motion made by Commissioner Grieco to waive competitive bidding and award the contract to Greensquare; seconded by Commissioner Wolfson.

Commissioner Steinberg will vote against Motion 2; she does not think it is fair. She thought the fair thing was to go out to bid, but cannot support to give the award to the team that did not get

the recommendation of the Tennis Advisory Board.

Voice-vote: 0-6; Opposed: Commissioners Wolfson, Tobin, Malakoff, Grieco, Steinberg and Mayor Levine. Absent: Vice-Mayor Weithorn. Motion failed.

Motion No. 3:

Motion made by Commissioner Grieco to waive competitive bidding and award the contract to Howie Orlin Group, Miami Beach Tennis Management, Inc., seconded by Commissioner Wolfson; 5-1; Opposed: Commissioner Wolfson; Absent: Vice-Mayor Weithorn. Motion carries.

Discussion continued.

Mayor Levine directed the Administration and staff to negotiate an agreement.

Commissioner Tobin requested reviewing the contract, which should be robust on children programming with clinic for the elderly included.

Jimmy L. Morales, City Manager, stated that the contract would be brought back in front of the City Commission for approval. **Administration to handle.**

3:59:54 p.m.

Commissioner Grieco explained that the City Attorney stated that there are procedural processes that they need to address.

Raul Aguila, Chief Deputy City Attorney, asked the City Commission, as a point of privilege on behalf of the City Attorney's Office, that in order that there be procedural due process with regard to the issue of the waiver of competitive bidding for the Tennis Center contract, the City Code Section 2-367(e) specifically states that the Commission can consider a bid waiver upon 5/7 vote and following a written recommendation from the City Manager. That recommendation does not have to be for the bid waiver; he may have to make a recommendation that is advisory to this body. The City Manager has gave his recommendation verbally, and in order to avoid any procedural due process issue which could possibly put us back to square one, his recommendation would be that the City Commission make a motion to reconsider, to rescind the action taken today, and to notice the item as a waiver of competitive bidding at the next City Commission Agenda, at which time the City Manager will provide a written recommendation.

Commissioner Wolfson asked if it would serve the same purpose if this body made a motion to amend the prior motion and state that it was a motion of sentiment, that they ask the City Manager to place on the next Commission Agenda and item to waive competitive bidding and to award it to the Howie Orlin Group.

Mr. Aguila explained that this body states that the action taken today was non-binding and final action will be taken at the next meeting following all procedural requirements have been met, and that will suffice.

Amendment to Motion No. 3:

Motion made by Commissioner Wolfson to clarify the previous motion to specifically set forth that the motion was a motion of sentiment that the City Commission would like to award the contract to the Howie Orlin Group, but that there was no official action, and that they are awaiting for the City Manager to go through all the proper procedural processes and place this item on the next

Commission Agenda, where upon they will make a final decision. The prior motion was not a binding motion; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Vice-Mayor Weithorn.

Chief Deputy City Attorney Aguila, for the record and for the public listening, advised that at the next City Commission there will be an item waiving competitive bidding by 5/7 vote, to award the Tennis Center Management Contract to Miami Beach Tennis Management, LLC.

Commissioner Wolfson suggested that they include the recommendation from the City Manager, that the item be publicly noticed, and to follow all the requirements in the Charter and the Code.

Handout or Reference Materials:

- Letter from Jonathan & Beri Minick dated January 30, 2014 RE: Howie Orlin, including emails in support of Miami Beach Tennis Management to operate the Tennis Facilities from Andrea & Brian Holland, Beverly Unger, Michele King Soffer, Brett Kaufman, Andrew I. Roth, Esq., Lisa Pearson, P.A., Svetlana Astafurova-Fischer, (with a copy of a PowerPoint Presentation); Jean Paul Robin, Daniel Rivlin, M.D., Amanda M. McGovern, Glen & Jodi Friedman, and Alberto Pozzi.
- Email from David R. Custin custindr@aol.com dated February 09, 2014 RE: Ongoing problems with GSI - Flamingo Park Tennis - Tennis Management Services, with email tracking from Howie Orlin forwarded Howie@miamishorestennis.com with an email from Stephen Sandler <stephensandlermiami@gmail.com> to Howie Orlin from Rebecca Boyce rebeccaboycehome@gmail.com.
- 3. Letter to the City of Miami Beach Commission undated, in support of Howie Orlin, from Stephen Eskin, M.D., with copy to Jimmy Morales, City Manager and Jose Smith, City Attorney, Note from Dr. Steve Unger, David L. Rosendorf, Greg Lloyd, Email to Mayor and City Commission from Simon and Vilma Strong <simonstrong@gmail.com>, email from Hertz Paul, Kristen Rosen Gonzalez, Romy Farah and Noah Rice.
- 4. Email from David R. Custin dated February 9, 2014 to Mayor Levine and City Commission RE: This is how the incumbent Tennis vendor (Greensquare) maintained the tennis center, with email tracking from Gayle Durham to Mayor Levine and attached photographs of tennis center.
- 5. Email from David Custin dated February 09, 2014 to Mayor and City Commission RE: Item R9D MB Tennis Contract The Incumbent's Tactics, with email tracking from Tom Mar, James Bollettieri and the entire GSI Bollettieri Staff.
- Email from David Custin dated February 09, 2014 to Mayor and City Commission RE: Agenda Item R9D with attachment 2013-Sep11-R7Q with email tracking dated January 14, 2014 RE: Agenda Item R9L Tennis management services at Flamingo Park & North Shore Park.
- 7. Agenda Item R7Q from September 11, 2013, Commission Memorandum and Item Summary.
- 8. Letters to the City of Miami Beach Commission in support of Mr. Orlin undated, from Augusto L. Vidaurreta, Kenneth Karp, M.D., and dated January 13, 2013 from Cynthia "Cindy" A. Jacobs, Ivonne Labrada-Leichtling, Danny & Joanne Aronson, Shareef Malnik, Roger Miller, Lorraine Egozi, George Durham, along with emails from Chris Growald and letter dated January 14, 2014 from Philip M. Hudson, III, Bill Waechter, Email from Angela Brown Barry doublebzzll@yahoo.com, Jennie Lukac, Eugene Lukac, Jennifer Quinton, Albert Edward Quinton, Paula Barth, Kimberly O'Mahony, Christian O'Mahony, Cathy Fisco, Valerie Vandernberghe, Joanna Tessler, Victoria Haeffner, Gregory Haefner, Candace Grossman, Daryl Szapiro, Karen Geller, Lee Lynott, Rachel Seifer, Michele King, Jessica Rodriguez, Stacey Wald, Beth Wald, Anne Baron, Deborah Hodes, Virginia Brown, Soraya Strouse, Sue Budenz, Linda Mennes, Laura Mendelson, Bob de la Fuente and Marc Silbret, M.D.

- 9. Letter dated February 10, 2014 from Laura Seminario to City of Miami Beach Commission in support of Howie Orlin and attached email from Candy & Conrad Tree.
- 10. Speakers List.

Clerk's Note: See also Disclosure Requirements on pages 2 and 3 of this After-Action.

R9E1 The Committee Of The Whole Will Meet On February 12, 2014 In The City Manager's Office Large Conference Room To Discuss Audit Committee.

(Budget & Performance Improvement)

ACTION: Discussion held. Motion made by Commissioner Tobin to approve the audit work plan as modified by Vice-Mayor Weithorn; seconded by Vice-Mayor Weithorn; Approved 7-0.

MODIFICATIONS:

- 1. Change the risk for P-Cards to "high"
- 2. Include the MDPL in the audits

The Committee of the Whole meeting commenced at 12:10 p.m. All members of the City Commission were present.

Every year the Commission approves the audit work plan, as the Commission serves as the Audit Committee.

James Sutter, Internal Auditor, went over the memorandum that was included in the agenda. Mr. Sutter stated that there were some audits that were carried forward because they were not completed previously. These are included in the audit work plan that is being presented to the City Commission. The majority of the focus on the audit division is on resort tax. Even though the audit division did fewer audits in resorts tax, approximately 172, short of the goals, the assessments went up to \$278,649. There continues to be a problem with field agents who are contractors. The Audit Division needs these contractors to produce more; the Audit Division continues to work on this. The Audit Division has a focus on sanitation audits; the City recovered some money relating to roll-off containers this past year due to this emphasis. As far as internal audits, they focus on City Departments. Many audits were done on contractors, to make sure the City is recovering its fees. An audit was done of the markets – relating to the antique market funds, which were recovered based on the audit.

For the internal audits, they are conducted based on risk assessment. They have all the audits identified on Exhibit 1. The risks are classified as high, medium or low. The Audit Division uses these categories to determine how to schedule the audits. Mr. Sutter wants to focus on the 2013/2014 Fiscal Year, which is in the handout. Mr. Sutter directed the Commission's attention to a group of 15 audits, which are the focus for internal audit; additionally there are Parking Department audits and Parking Operation audits that the Audit Division is going to focus on, as there is a great deal of cash going through these areas. Parking audit focuses on the attendant lots and the coin rooms to see how they enforce the operations. Our sanitation components are also on the list of upcoming audits. A carry over from last year is an emphasis on outside firms. There are some moneys that have been budgeted, and we have four audits that have been identified, which are: CIP, CDBG, MDCDC, Human Resources compensation audit and a Tennis Audit, which will be conducted by outside firms. Mr. Sutter explained that based on the action the Commission takes on tonight's Tennis Management item, they may have to reevaluate the Tennis

Audit. What the Audit Division will focus on this year is indicated in the schedule provided; this is a flexible schedule. Mr. Sutter asked the Mayor and Commissioners if they had suggestion on audits that his Division needs to undertake.

Vice-Mayor Weithorn stated that the approval of the audit plan used to come to the Finance and Citywide Projects Committee, but now it comes to the Committee of the Whole, because the former Mayor wanted it to come to the Committee of the Whole. So Vice-Mayor Weithorn inquired if Commission does not want to hear it during Committee of the Whole, she is agreeable with it going back to the Finance and Citywide Projects Committee. Vice-Mayor Weithorn also disagrees that P-Cards are medium risks. She explained that the literature tells her that P-Cards have now become high risk. P-Cards are like cash, so they fall in the cash risk category. Vice-Mayor Weithorn believes that the City will be using P-Cards more in the future; therefore, P-Cards should be placed in the high-risk category. Vice-Mayor Weithorn inquired if we have any cash arrangement with MDPL, because she knows that they have not met the covenants of their contract, and she is wondering if the City should not take a look at them (audit them).

City Manager Jimmy Morales stated that the Audit Division could add MDPL to the list of audits.

Commissioner Tobin stated that the City has given MDPL a long-term management agreement for the building on the Ocean. Vice-Mayor Weithorn interjected that it is not long term, because if MDPL does not meet their contract obligations, the City can call that contract at any time; Vice-Mayor Weithorn recalls insisting that such a provision be included on the contract.

Commissioner Tobin asked if the Miami Beach Community Health Center is the one where the Chief Executive Officer made off with nearly \$8 million dollars. Vice-Mayor Weithorn responded in the affirmative. Commissioner Tobin stated that just to give the new Commissioners an idea – when he used to see these audits, he used to think that someone was actually looking to ensure that the entity being audited was not stealing from the City. That is not the case. Many of these audits are "money in/money out" – and everything is fine. For instance, Miami Beach Community Health Center is regarded as low risk, but the CEO was embezzling \$8 or \$9 million, because she was writing checks to herself to the tune of millions of dollars. While it shows as a low risk, it is an easy steal if you just want to write yourself a check. If the Commission believes that it is implementing ways of catching people from stealing from the City, just because they see the word "audit" it does not mean that in all cases it is preventing stealing. Vice-Mayor Weithorn explained that audits do not prevent stealing, they just catch it.

Commissioner Malakoff asked Mr. Sutter if the City looks at checks and balances within the organizations that they are auditing. Mr. Sutter explained that the reason the item to which Commissioner Tobin was referring was low risk is because the City did not give a great deal of money to the organization. The City goes in and traces its money – its money going in and its money going out. They are not looking at every one of the entity's expenditures, even though they have a lot of other money going through there. Vice-Mayor Weithorn explained that it is not part of the City's audit right to trace the other moneys received by an organization. Vice-Mayor Weithorn stated that the auditors for the Miami Beach Community Health Center missed it. Commissioner Tobin commented that those are the auditors the City hired to do its audit.

Commissioner Tobin inquired about CDBG, both HOME and SHIP funds, and asked if they are going to audit them. If they do a thorough audit of the affordable housing section, they will see that for many years projects would come in and they would spend \$500 or \$600 a foot, where it should not be more than \$150 to \$200 a foot. City Manager Morales added that as he has

learned, the previous Administration requested Mr. Sutter not to audit the six projects that were going on. Mr. Morales explained that his Administration is taking a very different path. Commissioner Tobin stated that the Building Department has an audit listed. For decades, the Building Department had software "where one did not own their changes." Commissioner Tobin explained that one could go into the software and make changes, and it was not traceable. Commissioner Tobin added that four years ago when the Commission found out about this, it instructed the Administration to immediately change it, as employees could get into the software and say that a customer paid, when indeed the customer has not. Vice-Mayor Weithorn stated that it is still that way. Commissioner Tobin stated that they can do all these audits, but when they find out that a department is completely dysfunctional and does not work, and they do not do anything about it, it sends the wrong message to the employees. Vice-Mayor Weithorn stated that audits generally create a great deal of wallpaper, but historically they have not done anything about it. Vice-Mayor Weithorn added that if they read Jim Sutter's reports, he has pointed out each one of these issues, they just did not act. Vice-Mayor Weithorn added that they have yet to implement a solution on the Building Department.

City Manager Morales explained that it may be due in part to the fact that the solution that was selected, Accela, may not work. What they found when Mariano Fernandez, Building Director, arrived in the City is that a clerk in the Building Department could issue you a permit without collecting a penny or having anyone review it. As a result, the Manager added, the Administration is considering either changing the software or seeing if it can be fixed.

The consensus of the Commission was that Jim Sutter, Auditor, should continue to submit his reports for discussion to the Committee of the Whole, and not the Finance and Citywide Projects Committee, as all the members of the City Commission should be apprised.

Commissioner Tobin requested from Jim Sutter to let the Commission know if there are areas that he thinks his office needs to do more in depth audits.

Motion made by Commissioner Tobin to approve the audit work plan as modified by Vice-Mayor Weithorn; seconded by Vice-Mayor Weithorn; Approved 7-0. (Note that the modifications made by Vice-Mayor Weithorn are to change the risk for P-Cards to "high" and to include the MDPL in the audits.)

Handout or Reference Materials:

1. City of Miami Beach – Internal Audit Division, Audit Plan FY 2013/14

R9E2 The Committee Of The Whole Will Meet On February 12, 2014 In The City Manager's Office Large Conference Room To Discuss Legislative Priorities.

(City Manager's Office)

ACTION: Discussion held.

Joe Jimenez, Assistant City Manager, introduced Marilyn Thompson of MWW. The purpose of the meeting is to approve the contents of the upcoming Federal Legislative Agenda, which is scheduled for approval at the March 5, 2014 meeting, but Mr. Jimenez wanted to get guidance from the Commission prior.

Ms. Thompson explained that before them is a binder that she considers a reference/working

book. It contains a detailed environmental scan, there is also a memorandum authored after the Democratic Retreat listing the tradeoff that Representative John Boehner was going to insist on to increase the debt ceiling. As we all know, Representative Boehner backed off and the debt-ceiling crisis of February 27, 2014 was adverted.

Ms. Thompson explained what was included in the reference/working book:

- Updated Report and Environmental Scan
- Update on Major Federal Issues Relevant to the City
- Update on MWW Advocacy Activities
- Recommendations for Action Steps for the City
- FY-2014 Budget Agreement highlights and local government implications
- Review of City Federal Agenda s and previous outcomes/documentation
- Update on Florida Congressional Delegation

One key point Ms. Thompson wishes to make is that in the last three months Federal Agencies had to spend at the lowest slowest rates based on the continuing resolution. Now that there is a budget agreement that enhances discretionary spending by \$63 billion more than was anticipated, the agencies will have to spend all their funding between now and September 30, 2014. This is a tremendous opportunity for grant development, and for some macro grant strategies; big issues for the City such as sea level rise, flooding, the Convention Center, sand renourishment, transportation and infrastructure. In addition, the City should look at items that are interagency – where no one agency is the answer. With leadership and leverage from the City Commission, she recommends sitting down with White House Domestic Policy Staff and discuss the City's funding requirements.

Mayor Levine asked if it would make sense for himself, the City Manager and any Commissioner who would like to join as well, to come and meet Ms. Thompson to thoroughly review the plan and determine what funding there is to get and how to get it. Ms. Thompson responded in the affirmative, and stated that what she wants to see is a serious agency strategy. Ms. Thompson stated that the City needs to develop an agency-by-agency strategy and determine what the City needs from each agency.

Commissioner Steinberg stated that she met with Ms. Thompson and during the meeting, Ms. Thompson provided her with a great suggestion – when a Commissioner comes up with an idea for a project that requires funding, the Commissioners should email Ms. Thompson so she may determine if there are Federal dollars available.

Joe Jimenez, Assistant City Manager, explained that the purpose of today's meeting was to provide an overview to the Commission; the strategy can come later.

Ms. Thompson discussed some of the City's priorities: In transportation, it includes Middle Beach, Atlantic Greenway and the transportation component of the Convention Center project. Mayor Levine inquired about the possibility of obtaining money for Trolley Service through Miami Beach. Ms. Thompson explained Mac 21, and the possibility of obtaining transportation funding therefrom.

TO DO: Joe Jimenez will develop the revised Federal Agenda for presentation at the March 5, 2014 Commission Meeting.

Handouts or Reference Materials:

1. Binder containing January 2014 Monthly Report and 2013 Final Legislative Report, Week 9

2. Binder containing Updated Report and Environmental Scan from MWW+.

9:57:33 a.m.

R9F Discussion Regarding Focus Groups - Nautilus Middle School.

(Organization Development Performance Initiatives)

ACTION: Discussion held. **Resolution No. 2014 28504 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote 7-0. **Dr. Leslie Rosenfeld to handle.**

TO DO:

Conduct two focus groups:

- 1) One that focuses on parents currently with children in Nautilus School, and
- 2) One that focuses on why parents are not enrolling their children in Nautilus Middle School

Commissioner Tobin introduced the item.

Dr. Leslie Rosenfeld, Organizational Development and Training Specialist, stated that as requested at the last meeting, they reached out and the satisfaction survey came back with a suggestion for two focus groups; one that will focus on parents currently with children in Nautilus School, and one that will focus on why parents are not enrolling their children in Nautilus Middle School. **Dr. Leslie Rosenfeld to handle.**

Discussion held.

4:04:21 p.m.

R9G Discussion And Referral To Neighborhood/Community Affairs Committee - The Blocking Of The Entrance To The Street-End At 56 And North Bay And To Place A Pocket Park At That Location. (Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Item referred to the Neighborhood/Community Affairs Committee. Motion made by Commissioner Tobin; seconded by Commissioner Malakoff; Voice vote 6-0; Absent: Vice-Mayor Weithorn. Barbara Hawayek to place on the committee agenda. **Eric Carpenter and John Rebar to handle.**

Commissioner Tobin explained that the neighbor has placed pots and people jogging down the street cannot jog to the water's edge.

4:06:04 p.m.

R9H Discussion On: The Mayor And City Commission's Consideration Of The Written Report And Recommendation Of The Debarment Investigator.

(Procurement)

ACTION: Discussion held. Eric Carpenter to handle.

Jimmy L. Morales, City Manager, stated that there was a request from a Commissioner last summer to look at some potential lobbying violations by Robert Wennett in consideration for debarment. Robert Meyers, former Director of the Ethics Commission, conducted an investigation and his report is in the Agenda packet for review and decision.

Commissioner Wolfson disagrees with this. He disagrees with the interpretation of the City's Ordinance by Mr. Meyers. Mr. Wennett did not register to lobby. It seems that there has to be a finding of an Ethics Violation before Mr. Wennett could be found in violation of the City of Miami Beach laws. He does not know if there are any other actions this body can take.

Discussion held.

Jose Smith, City Attorney, recommends, based on the findings, that the Commission not recommend further action with the Debarment Committee because in all likelihood the City will lose.

Commissioner Wolfson suggested discussing this issue and the findings at the City Attorney's Oversight Committee. City Attorney's Office to handle.

9:47:20 a.m.

R9I Discussion Regarding The No U-Turn Sign And Enforcement Thereof At 42nd Street And Pine Tree Drive.

(Requested by Commissioner Micky Steinberg)

ACTION: Discussion held. Motion made by Commissioner Steinberg; seconded by Commissioner Grieco; Voice vote: 7-0. **Chief Martinez to handle**.

TO DO:

Incorporate into the traffic study the following:

- Cross Walk
- Left Signals
- Two Way Traffic On 42nd Street
- Miami-Dade County to approve as it is a County road
- Bicycle Safety

Commissioner Steinberg stated that she placed this item on the Commission Agenda because she has had many residents complain about no U-turns on 42 Street and Pine Tree Drive. She explained that it is a Miami-Dade County road, but the City does the enforcement. She added that safety is the most important thing, and stated that they need to be mindful of the residents and families that cross the street into the JCC. She hopes there are some solutions, such as a safety officer or to have a green arrow turn signal, or look into a sidewalk, etc. She directed the City Manager to commission a study that the Miami-Dade County will accept to find a viable safe solution for the convenience of all residents. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Director, explained.

Discussion held.

R.J. Ross, Director of the Jewish Community Center (JCC), spoke.

Gerald K. Schwartz requested that the Department do a traffic study to make things easier for the

people that live north of JCC. When the JCC was first started, there was a left turn and one could turn into the JCC. This needs to be looked at from a safety perspective, but also resolving the problem because it is so aggravating to have to do a circle and go into more traffic in order to get there.

9:54:06 a.m.

Commissioner Grieco requested to incorporate into that traffic study what Mr. Schwartz said, and to see how dangerous it is south of the Walgreens on 41 Street. Motion made by Commissioner Sternberg; seconded by Commissioner Grieco; Voice vote: 7-0. **Eric Carpenter to handle.**

Motion made by Commissioner Steinberg to incorporate everything discussed, including cross walk, left signals, two roads on 42nd Street into the study, and to make sure that this is a study that Miami-Dade County will accept since this is a County road. Vice-Mayor Weithorn requested that the bicycle safety be considered in this study. Motion seconded by Commissioner Grieco; Voice vote: 7-0.

Gerald K. Schwartz stated that the bicyclists need to be educated on the safety measure they should be following.

Commissioner Steinberg asked when the study would be finished.

Eric Carpenter, Public Works Director, responded.

Mayor Levine requested to check with Miami-Dade County to make sure that their Engineer is available to work with the City. **Eric Carpenter to handle.**

4:12:17 p.m.

R9J Discussion Regarding Disposal Of Pet Waste And Hiring Of A Company To Handle The Removal Of Pet Waste From Public Ways.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Eric Carpenter to handle.

TO DO:

Mayor Levine requested Mr. Carpenter to come back with some ideas on this issue. Eric Carpenter to handle.

Commissioner Wolfson explained that he has been hearing complaints about animal waste in the swales. The thought has always been that they need education and enforcement, and it has not gone anywhere because 10% of the population will pick up after their pets.

Eric Carpenter, Public Works Director, explained that the Sanitation Department is already working on this. He added that he looked at the cleanliness index scores for fecal matter over the past five years, and it shows a decline. He is concerned that if they hire staff to pick up fecal waste people will stop picking it up since there somebody to do it.

Discussion held.

Commissioner Wolfson requested his colleagues to allow them to at least get some feedback

from contractors.

Mayor Levine requested to go out and see what they are and then discuss it. **Eric Carpenter to handle.**

Commissioner Grieco stated that if they advertise this too much it might encourage people to pick up less.

Commissioner Tobin stated that they are going to need to have a long talk during budget of all the things they want done and prioritize them.

Mayor Levine requested Eric to come back with some ideas on this issue. Eric Carpenter to handle.

4:17:55 p.m.

R9K Discussion Regarding Providing Trolley Service On The Portion Of Collins That Is Being Impacted By That FDOT Project.

(City Manager's Office)

ACTION: Discussion held. **Eric Carpenter and Jose Gonzalez to handle.**

DIRECTION TO ADMINISTRATION:

- Evaluate the efficiency and effectiveness of the South Beach Local.
- Look at the feasibility of replacing the South Beach Local bus with the trolleys.

Jimmy L. Morales, City Manager, stated that this item was added because there have been some requests from businesses in the Collins Avenue corridor asking for trolley services. From their perspective, the Collins Avenue project is about six months away from being completed and he feels the need there is very short term, and logistically may be more difficult to accomplish.

Mayor Levine asked if there is an opportunity to do service on Collis where it loops around Washington as well, to cover both streets.

Eric Carpenter, Public Works Director, stated that they could do anything, as long as there is an Interlocal agreement with the County. He wants to be careful in duplicating the South Beach local service, because if they will do a loop on Alton and West and a loop on Collins and Washington, they are basically duplicating 75% of the South Beach local route. Collins Avenue, as the City Manager explained, has one lane in each direction and buses stop every couple of stops.

Discussion held regarding route modification.

Commissioner Grieco suggested leaving this as is, since by the time it would take to reroute the South Beach local, the Collins project would probably be completed.

Commissioner Tobin stated that they had a great deal of problems with headways on the South Beach Local, and he suggested City staff to ride the South Beach Local and give advice, and work with the County to make improvement. Discussion continued.

Mr. Morales stated that the County is not opposed to trolleys; they are willing to provide services,

although they are not as cost effective as buses.

Discussion continued regarding trolley services.

Commissioner Tobin directed Administration to give an evaluation on the efficiency and effectiveness of the South Beach Local. Mayor Levine also requested to look at the feasibility of replacing the bus with the trolleys, if the County will do that.

4:23:27 p.m.

R9L Discussion Regarding Restaurant Greeter Behavior On Ocean Drive, And Bus Tours Pick-Up On Ocean Drive.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Commissioner Wolfson made a motion to direct Administration to prohibit buses from stopping on Ocean Drive until there is a regulation or policy in place; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Weithorn. **Patricia Walker, Max Sklar and Joe Gonzalez to handle. Saul Frances to notify in writing regarding bus pick-ups.**

ADMINISTRATION TO DO:

- Stop all hawking (peddling) on Lincoln Road and Ocean Drive.
- Come up with a plan to reduce the umbrella size on Ocean Drive or look into charging for the amount of sidewalk space that these umbrellas actually take up.

Commissioner Wolfson explained that his aide Brett Cummins, who moved here from Chicago, was on Ocean Drive and invited him to meet him. He met him and witnessed so many issues this area is facing, that he wants to direct Administration, from the City Commission, to enforce the Code as it relates to Ocean Drive vigorously. He referred to the double decker buses stopping on Ocean Drive for tourists to take photographs.

Jimmy L. Morales, City Manager, stated that a few months back it was decided that Greyline would be the only dedicated bus that had a dedicated stop on Ocean Drive. That happened without a process, and there were other bus companies asking why they could not stop as well. He suggested that no one stops there until there is a policy.

Commissioner Wolfson made a motion to direct Administration not to allow buses from stopping on Ocean Drive until there is a regulation or policy.

Mayor Commissioner Malakoff explained that these buses pick up cruise passengers that are in Miami for one day, and hop on and off to visit Miami Beach. It gives them a chance for a day to see Miami Beach and she thinks it is an advantage to businesses. What is horrible is the restaurants on Ocean Drive who have people aggressively hawking the tickets to come to the buses, and asking people to eat at their restaurant. The hawking of tickets for buses and visiting restaurants is what needs to be stopped; it is out of control. Discussion held.

Mr. Morales stated that the buses could still pick up tourists at Metro Dade Transit stops.

Mayor Levine directed staff to stop all hawking on Lincoln and Ocean Drive; come up with a plan to reduce the umbrella size on Ocean Drive, or they begin charging for the amount of sidewalk

space they take up. Discussion continued.

Commissioner Wolfson made a motion to direct Administration to prohibit buses from stopping on Ocean Drive until there is a regulation or policy in place; seconded by Commissioner Grieco; Voice vote: 6-0; Absent: Vice-Mayor Weithorn.

Discussion continued.

Commissioner Tobin suggested having non-uniform code officers to enforce the "hawking." Discussion continued on the umbrellas on Ocean Drive.

Eric Skaler, representing Lincoln Road Property Association, spoke.

Handout or Reference Materials:

1. Color photographs of Lummus Park showing security guards on a bench.

4:37:06 p.m.

R9M Discussion Regarding Bikes, Trikes, Segways, And Other Motorized Single Person Transport Units.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Motion made by Commissioner Wolfson to give the City Attorney direction to amend the Segway Ordinance to include the beachwalk as a prohibited area for bikes, trikes and Segways and to give direction to the City Manager to come up with stronger enforcement options; seconded by Commissioner Grieco. By acclamation. **City Attorney's Office to handle.**

Commissioner Wolfson stated that his new aide has been very active and energetic and has brought some issues to his attention. The City Commission adopted earlier an Ordinance limiting the speed to eight miles per hour for Segways, but he believes that the bicycles and specifically Segways should be totally prohibited from the beachwalk. It has become a major danger.

Mayor Levine also hears from many residents that they do not want to walk their children on the sidewalks because of fear of these Segways, and he totally agrees with Commissioner Wolfson.

Mr. Morales stated that one of the challenges they have is that in the security guards contracted with the City, these guards have no power to arrest anyone; and they are looking to see if there is a different approach they can take.

Discussion held.

Jose Smith, City Attorney, explained that there is an Ordinance in place; they will need to amend it. There is more leeway since the State Legislature gave municipalities more authority to regulate Segways. Segways can be regulated at the beachwalk.

Commissioner Wolfson requested the City Attorney's Office to draft an ordinance prohibiting bicycles, trikes and Segways on the beachwalk. City Attorney's Office to handle.

Commissioner Grieco suggested extending that involving South Pointe Park. Discussion

continued.

Mayor Levine asked if they could go after the rental companies, rather than the renters. Mr. Smith explained that the City has insurance coverage requirements. Discussion continued.

4:41:47 p.m.

R9N Discussion Regarding Scott Rakow Ice Rink Rehabilitation And Further Renovation And/Or Expansion.

(Requested by Commissioner Jonah Wolfson)

ACTION: Discussion held. Motion made by Commissioner Wolfson to have CIP entertain the improvements and come back at the next Commission Meeting; seconded by Mayor Levine; Voice vote 6-0; Absent: Vice-Mayor Weithorn. **John Rebar and David Martinez to handle.**

IMPROVEMENTS TO BE LOOKED INTO:

Should there be a pro-shop
Make lobby accessible through the front
Move rental of skates to a more ideal location
Add locker rooms
Add shower rooms in the rink areas
Build party rooms for kids

Commissioner Wolfson explained that the hockey rink was not built to get the highest and best use out of it. He does not think the building expansion is something feasible to do, but if they are discussing renovations, he suggested they include improvements to make it a better skating experience.

John Rebar, Parks and Recreations Director, stated that there are opportunities to make improvements to the rink; the lobby is not air conditioned; they have a booth that does not have a canopy and is not usable; it is successful with those challenges, but they will try to make the lobby usable and accessible through the front, move the rental of skates to a more ideal location, and add locker rooms; there is opportunity to build party rooms as well.

Commissioner Wolfson asked if this can be done as an add on.

David Martinez, CIP Director, explained that they are working in trying to bring an award in March for the work already directed to perform, which is a total overhaul of the AC system, reconstruction of one of the partition walls, ceiling work and other miscellaneous. If the direction is to make modifications, the time to give direction is now.

Discussion held.

Commissioner Tobin stated that as far as showers there may be some things they can do that are not dramatic or significant.

David Martinez, CIP Director, stated that it is possible that they can award this GMP and bring in some of the added features, and does not believe it will affect too much what they are doing.

Motion made by Commissioner Wolfson to have CIP entertain the improvements and come back

at the next Commission Meeting; seconded by Mayor Levine; Voice vote 6-0; Absent: Vice-Mayor Weithorn.

4:47:54 p.m. 4:59 00 p.m.

R90 Discussion Regarding Impact Fees For Sidewalk Café Establishments In North Beach. (Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. Refer the concurrency issue to the Planning Board. **Thomas Mooney** to place on the board agenda. Eric Carpenter to handle.

REFERRAL:

Concurrency issue referred to the Planning Board.

TO DO:

Amend Sidewalk Café Ordinance to waive Impact Fees for sidewalk cafes in North Beach, and bring back at the next Commission Meeting. City Attorney's Office to handle.

Commissioner Tobin explained that he was under the impression for the last two years they have been asking the Administration to relieve sidewalk cafés in North Beach from the fees associated with outdoor cafés; as he understands it, they relieved them of some of the fees, but were not relieved from impact fees. He requested to know exactly what the fees are for North Beach outdoor sidewalk cafés, and if there is consensus for waiving the fees.

Jimmy L. Morales, City Manager, stated that he did not realize there were "other" fees involved; they will take a look at this and the direction given is to incentivize, they will do the research and work with the City Attorney's Office. City Attorney's Office to handle.

Discussion held regarding impact fees.

Eric Carpenter, Public Works Department Director, explained that there are currently three fees that the City charges related to sidewalk café permits; \$150 application fee, to cover staff time reviewing the process; there is a \$20 per square foot fee for the use of the public right of way, which is waived for North Beach, and there is a concurrency, which is a transportation impact fee, which is based on the number of seats in a restaurant generating a certain number of trips to that establishment, by expanding the restaurant into the street, the number of seats are expanded and there is more traffic to the area, so there is a concurrency fee associated with it.

City Attorney Jose Smith explained that there is a County concurrency transportation fee that he is not sure if the City can waive that fee.

Discussion continued.

City Manager Morales explained that this item needs an ordinance amendment and should come back to the next Commission Meeting. **City Attorney's Office to handle.**

4:50:30 p.m.

R9P Discussion Regarding Progress And Implementation Of The Recycling Ordinance 2012-3768 In Effect July 2014 At The Request Of The Sustainability Committee.

(Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. **Eric Carpenter and Lynn Bernstein to handle**.

ADMINISTRATION TO DO:

- 1) Come up with a budget for a recycling advertising campaign and bring back for approval
- 2) Continue with efforts currently being made in enforcing the ordinance
- 3) Enforcement to begin in July 2014

Commissioner Tobin attended the last Sustainability Committee meeting and there was some discussion regarding recycling. The City Commission adopted a recycling ordinance a couple of years ago. He requested from the Administration where they are, and if this ordinance has been enforced. He requested an update and sentiment from the Department.

Mayor Levine explained that this is important, and he does not think it is being enforced. He feels recycling is important and agrees with Commissioner Tobin.

Eric Carpenter, Public Works Director, explained the Ordinance was adopted in 2012 with an educational period, and was not enforced until June of 2013. At that time, it was brought back to the Commission for discussion, and the grace period was extended until July 2014. The ordinance is currently in place, but the Administration was requested to bring back in June of this year to discuss enforcement.

Mayor Levine suggested launching an educational campaign to the entire City that this ordinance will be enforced. He asked how this could be accomplished.

Commissioner Tobin added that at committee he heard that restaurants are the biggest entities that can be sustainable. Debbie Leibowitz suggested giving a ticket to restaurants if there they have no recycling plan in place, and give the restaurant the option to either pay the ticket or show the recycling plan in place to waive the penalty. They can take the top businesses doing a lot of waste and come up with some citation to that effect.

Eric Carpenter, Public Works Department Director, stated that the educational campaign was launched in fall of 2012, they put up a website and did 21 events reaching about 17,000 people; letters were sent out to Waste Haulers and over 3,000 multi-family residents and businesses. He is happy to say that they have gone from 30% compliance to 60% voluntary compliance at this point.

Mayor Levine suggested making a commercial of the City Commission, buying time on cable such as COMCAST, and do a real marketing advertising campaign, to let people know that the Commission is in support of this Ordinance, and they need to enforce. It is the image of Miami Beach and it is the right thing to do. He suggested Ms. Leibowitz get involved with this project and make it happen.

Discussion held.

Luiz Rodrigues, ECOMB Director and member of the Sustainability Committee, suggested they

publish in MB Magazine throughout the entire year information regarding the ordinance and its enforcement, and advertise in all media outlets.

City Manager Morales stated that the City has not had any campaign and the effort has doubled voluntarily. The position created in the Department has been filled now; there is no budget for ads, but if this is to be taken to the next level, a campaign proposal can be put together and he will bring it back for approval. City Manager's Office and Nannette Rodriguez to handle.

Commissioner Tobin suggested beginning with the large users, such as restaurants.

Discussion continued.

9:57:33 a.m.

R9Q Discussion Regarding The Committee For Quality Education Motion Made January 28, 2014 To Engage An Educational Expert To Consult Regarding How Best To Provide The Students In The City Of Miami Beach Feeder Pattern With The Best Public Middle School Options In The Country. (Requested by Commissioner Edward L. Tobin)

ACTION: Discussion held. **Resolution No. 2014-28505 adopted.** Motion made by Commissioner Tobin; seconded by Vice-Mayor Weithorn; Voice vote 7-0. **Dr. Leslie Rosenfeld to handle**.

TO DO:

Commissioner Grieco asked to include Treasure Island in the review of schools.

Dr. Leslie Rosenfeld, Organizational Development and Training Specialist, stated that the Committee for Quality Education Committee in Miami Beach passed a resolution asking the Mayor and Commissioners to consider hiring an educational expert to find out how really best improve Nautilus School and what the potential options are.

Discussion held.

Vice-Mayor Weithorn stated that it is better to have the focus group resolved before we do this.

Discussion continued.

Miraida Mendes Cartalla, Assistant Superintendent for the Office of Intergovernmental Affairs, spoke.

Mayor Levine stated that the Superintended is doing an incredible job and added that Commissioner Tobin's idea is not to criticize but to make it better.

Commissioner Grieco asked to include Treasure Island in the review. It is not in Miami Beach but many Miami Beach residents have children in that school. **Dr. Leslie Rosenfeld and Miraida Mendes Cartalla to handle.**

Discussion continued.

Lorie Manicky, past PTA President, spoke. Gil Menendez, Nautilus Middle School student, spoke.

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Mayor Levine stated that the resolution is to hire a consultant and add ideas, assess and evaluate.

Discussion continued.

5:00:02 p.m.

R9R Discussion Regarding The London House And Deadline For Expenditure Of Federal Funds. (City Manager's Office)

ACTION: Discussion held. **Resolution 2014-28506 adopted.** Motion made by Commissioner Grieco in support of the City Manager's request, seconded by Mayor Levine; Voice-vote: 6-0; Absent: Vice-Mayor Weithorn. **Maria Ruiz to handle**.

ADMINISTRATION TO DO:

- 1) Execute Letter of Intent with MBCDC to purchase and assume title of the London House Apartments for \$10;
- 2) Execute the purchase and sale agreement and;
- 3) Allow the City Manager to authorize Procurement to ensure that the funds will be spent prior to the March 8th extension.

Jimmy L. Morales, City Manager, stated that they have been reporting to the City Commission discussions held with MBCDC. As way of background, the City awarded NSP3 funds for the renovation of the housing project, the London House Apartments, 1965 Washington Avenue. They awarded \$1.3 million out of the total NSP3 funds, and as of today the City has paid about \$655,000 to the CDC and the City has spent over \$75,000 in administrative expenses. Unfortunately the project has been at a standstill since January 2013, and as a result of discussions with HUD, they began discussions with CDC to assume title of the London House Apartment to complete the building and develop it as an affordable housing project as intended. In order to fulfill this promise, they requested that HUD offer an extension of the March 8 deadline for expenditures, if the money is not spent by March 8th, the City will have to repay HUD, and it is clear that the CDC is not going to award that. If the extension is not granted, he is requesting authorization to purchase construction materials prior to obtaining title to the house.

There are three things he is asking for:

- 1) Execute Letter of Intent with MBCDC to purchase and assume title of the London House Apartments for \$10;
- 2) Execute the purchase and sale agreement and;
- 3) Allow the City Manager to authorize Procurement to ensure that the funds will be spent prior to the March 8th extension.

Commissioner Tobin explained that they received the letter from Jack Johnson stating that the MBCDC is going south with the money. Was there a recent situation where they pay thousands of dollars for equipment?

Mr. Morales explained that they paid for construction materials in advance, and they have not been able to account for, despite numerous requests. Staff and representatives visited the London House and the materials were not there.

Motion made by Commissioner Grieco in support of the City Manager's request, seconded by Page 76

Mayor Levine; Voice-vote: 6-0; Absent: Vice-Mayor Weithorn.

Handouts or Reference Materials:

1. Letter to Denis Russ, Executive Director, MBCDC, dated February 11, 2014 from Jimmy L. Morales, City Manager, RE: THE LONDON HOUSE (The Property).

ADDENDUM MATERIAL 1:

R9S Discussion Regarding Overview And Recommendations from The Mayor's Blue Ribbon Panel Flood Mitigation.

(Requested by Mayor Levine)

ACTION: Discussion held. Item heard in conjunction with R7E. See action and comments with R7E.

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

ACTION: Status report given.

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, February 12, 2014, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

ACTION: Item withdrawn.

Reports and Informational Items

- 1. Reports and Informational Items (see LTC 044-2014)
- List of Projects Covered by the Cone of Silence Ordinance LTC. (Procurement)
- 3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.

(City Clerk's Office)

End of Regular Agenda

Meeting adjourned at 5:15:26 p.m.